

WEDNESDAY, 11TH FEBRUARY, 2015

The House resumed at 9.35 a.m. pursuant to adjournment.

MADAM SPEAKER took the Chair and read the Prayer.

PRESENT

All Members were present, except the honourable A.A. Maharaj; and the honourable Ratu V.M. Tagivetaua.

MINUTES

MADAM SPEAKER - LEADER OF THE GOVERNMENT IN PARLIAMENT.

HON. LT. COL. P. TIKODUADUA Madam Speaker, I move:

That the Minutes of the sitting of the Parliament held yesterday Tuesday, the 10th February, 2015 as previously circulated be taken as read and be confirmed. Thank you Madam Speaker.

MADAM SPEAKER – Thank you. Is there a seconder?

HON. CDR. S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

Question put.

Motion agreed to.

COMMUNICATION FROM THE CHAIR

Order of today's Business

MADAM SPEAKER.- I welcome you all to today's sitting. I also welcome our visitors in the public gallery, and those watching proceedings on television, and the internet and listening to the radio.

Today will be another interesting sitting as your Parliament will be debating on two laws; these are the Boxing Commission of Fiji (Amendment) Bill, 2015, and the Republic of Fiji Military Forces (Amendment) Bill, 2015.

Approval of laws is the core work of all parliaments, and this ensures that parliamentary democracy, not only exists but also flourishes. While it is accepted that debate at times can be robust, I would like to ask Members to be mindful of the need to conduct themselves in an orderly way, and be respectful of each other, and in debate, the remarks are relevant to the issue at hand. Thank you. Secretary-General.

QUESTIONS AND REPLIESOral Questions**Total Repair Costs – Burst Water & Sewerage Pipes, Nabua
(Question No. 15/2015)**

HON. A.M. RADRODRO asked the Government, upon notice:

Would the honourable Minister for Infrastructure and Transport inform Parliament of the total costs to-date for repair on the burst water and sewerage pipes, and related work at 4 miles, Nabua?

HON. LT. COL. P. TIKODUADUA (Minister for Infrastructure and Transport).- Madam Speaker, I thank honourable Radrodro for his question on the subject matter.

Before I go any further to answer his question with regards to the cost of that particular work to-date, I would like to first acknowledge the great efforts that was made to try to rectify such a critical problem, which deals with the livelihood and the security of the people, particularly within the Suva corridor, and the people that live down the stream that leads into the ocean, and we are talking about the Nabua or the Cunningham River.

I would like to thank, in particular the efforts of the Ministry of Infrastructure, the Water Authority of Fiji, and all other stakeholders; the Ministry of Environment, the University of the South Pacific and the Fiji Roads Authority for coming together to try to resolve this very critical problem.

Madam Speaker, I am glad to say that it has been fixed in a temporary manner right now, and the temporary solution is going to take us until about December of this year, before we put in a permanent solution to this particular issue. However, I am glad to say that there is no more sewerage that is leaking into the river.

Madam Speaker, the cost of that project to-date is about \$980,000. We continue to monitor the process of pumping the sewerage across the bridge, and the only cost that is significant enough to mention now in keeping that work going is the cost of the electricity to pump the sewer from the dump, or from where it is poured into, across the river into the main sewer line. The other costs as well, which is only minor, is the security that is provided at the site, to ensure that there is no hindrance to the provision of that work. Thank you, Madam Speaker.

HON. RATU N.T. LALABALAVU.- Supplementary question, Madam Speaker. First of all, I would like to commend the honourable Ministers for Infrastructure, Environment and Health on the great efforts and work that have been undertaken into seeing that this disaster is addressed at the earliest possible time.

Going back to the costs, Madam Speaker, can the honourable Minister explain as to what would be the total costs (maybe it is ancillary) that are also incurred by other Ministries as well, because the disaster notice was given by the Minister for Environment. Thank you, Madam Speaker.

HON. LT. COL P. TIKODUADUA.- Thank you, Madam Speaker, and I thank the honourable Ratu Naiqama Lalabalavu for his question. The question as it were relates to the cost of the project to

get it up and running, and that is the cost that I have alluded to. There are other incurred costs of course, as you would understand, by other Ministries that got involved.

Madam Speaker, for the stakeholders that were there, to be able to put together this temporary solution, that is the cost up to-date as it were up til now, with regards to putting the pipe back together and getting the sewer off the water. So, obviously, there will be other implied costs. Maybe, there is a certain procedure to be able to make that determination through this august Parliament. Thank you.

HON. N. NAWAIKULA.- Madam Speaker, supplementary question. With respect, the honourable Minister has said that this solution will be temporary. Also, it was stated here that the cause was by nature. The burst of the pipe was not caused by nature, but by our own inefficiencies, maintenance and engineers.

The question that I wish to put to the honourable Minister is that, given this and what has happened before when we fixed this side, it bursts on the other side, what measures and what guarantee can you give to the public that once you fix this one, there will be no repeat of that problem?

HON. LT. COL. P. TIKODUADUA.- Madam Speaker, I thank the honourable Nawaikula for his question. I think Parliament will understand, and as I have noted that the costs of this catastrophe was through nature, as such, nature is something that we could not potentially be able to understand how it works. However, you do the best you could to try to mitigate things as they were and may be through preventative measure. As such if the honourable Member will recall, when this matter was first brought to the attention of Parliament, I noted that for this particular sewerage pipe across the Nabua river has no redundancy. It is the only one, and it has been the only one for 50 years. The Water Authority has a 20-year plan to try to rectify these things. Obviously, as I had alluded earlier in one of my earlier answers to a similar question, we would like to make determinations of similar places where there are bottlenecks, that if such a thing would happen, there are no other redundancies, and there are many about the place.

With regards to this, I think I had noted that we are going to put together, by December, a solution that we are now designing to make sure that it holds off, and it is not as prone as it was the last time to nature, and if it did come down on it, that it would take some effort for nature to carry it down. However, if it did happen again, I also said in an earlier sitting of Parliament that we have looked at re diverting all the sewerage from Suva, also through what used to be the Baily Bridge. That is going to cost us about \$2.5 million to build, and we are starting the work on that already. So, if this one does go, we can turn it off, and the water does not go into the river, and we can divert the sewerage through to Kinoya via the other way.

However, as I said earlier also, there are many other places where these are happening, when they can make determinations of those within the scarce resources that we have, prioritising those funds on what to do first and of course, trying to minimise the impact on the people whenever the disasters do happen.

HON. S.V. RADRODRO.- Madam Speaker, supplementary question. I would like to ask the question on the total cost that has been quoted at \$980,000 and whether this amount was from the 2014 Budget, or will it come totally from the 2015 Budget? I understand that the works started in 2014, and also whether the due tender process was carried out in the engagement of the company to carry out the works?

HON. LT. COL. P. TIKODUADUA (Minister for Infrastructure and Transport).- Thank you Madam Speaker and I thank the honourable Member for her question.

The honourable Member and Parliament will understand, and of course Madam Speaker, you will understand also that this particular catastrophe occurred during the very end of our financial year, and it was around Christmas, so we tried to make Christmas special for everyone as possible, particularly for the people living around the area of Nabua. As such, because it started at the end of a financial year, the problem in itself does not recognise financial period, so obviously there is going to be costs incurred from previously, and also as we are going forward. So, it is from both 2014 and 2015, and we are not sourcing any extra funding because that is coming internally from funds that are available to the Water Authority of Fiji. (Sorry, I lost that other second part of your question, honourable Member)

HON. S.V. RADRODRO.- Madam Speaker, whether the due tender process was carried out in terms of the engagement of the company to carry out the works?

HON. LT. COL. P. TIKODUADUA.- Madam Speaker and Parliament will understand that this was an emergency, and eventually an environmental disaster was declared for the very nature of the work in itself, the impact on the environment and the people.

All the works that were conducted by the companies involved were not tendered and these are very well covered through the process that are allowable under the emergency processes, like under the Financial Management Act, also that we could use obviously, and if the tender did take place. Obviously, we are very responsible about the way that we did it, and of course later on it will be subject to scrutiny by the Public Accounts Committee.

Environmental Impact Assessment on the
Sewerage Spillage in Nabua
(Question No. 16/2015)

HON. A.M. RADRODRO asked the Government, upon notice:

Can the honourable Minister for Local Government, Housing and Environment confirm if an Environment Impact Assessment (EIA) of the sewerage spill from the burst water and sewerage pipes in Nabua has been made, and if in the affirmative, when can the report be made available to Parliament?

HON. P. KUMAR.- (Minister for Local Government, Housing and Environment).- Madam Speaker, I rise to respond to the question raised by the honourable Member. At the outset, I am somewhat not clear on the question that has been raised, because as far as I am concerned, the EIA is carried out for a development. The Act states what EIA basically means, but if the honourable Member wants to come up with some other reports, I am prepared to report because I think I will be failing in my duty if I am going to respond to something that is not wanted.

HON. N. NAWAIKULA.- Madam Speaker, supplementary question. Sure enough, an EIA is required for development, but not always. An Environment Impact Assessment, as the word says “you make an assessment of a situation which affects the environment.” So you do not need it for development only, it is necessary for this one and the honourable Minister for Infrastructure has said that all the stakeholders came in to contribute, and the first thing you will always look for is an Impact Assessment.

HON. A. SAYED-KHAIYUM.- Question?

HON. N. NAWAIKULA.- Was that done, and where is that report?

HON. P. KUMAR.- Madam Speaker, I am happy that the honourable Member who stood up again was talking about this issue. On Monday, when I made the ministerial statement, this was the same honourable Member ...

HON. N. NAWAIKULA.- Answer the question.

HON. P. KUMAR.- ... who questioned me as to why there was a need for a committee because in my ministerial statement, I said that there is process to be followed and the Act dictates that there has to be a committee, and in that committee, all stakeholders were involved which he is trying to tell us now.

HON. N. NAWAIKULA.- I know that, we know that.

HON. P. KUMAR.- Let me read...

HON. RATU N. T. LALABALAVU.- Don't shout at the Speaker.

MADAM SPEAKER.- Order

HON. P. KUMAR.- Madam Speaker, going back to the question. EIA means the Environment Impact Assessment of a development proposal. That was before, this is an accident, but this is a matter of national interest. So I will suggest to my good friend if he can come up with another question on another report or assessment, I am prepared to give. I am not trying to hide anything, what is there to hide?

HON. N. NAWAIKULA.- Where is your report?

HON. P. KUMAR.- Being a lawyer, you should know better.

(Laughter)

HON. N. NAWAIKULA.- Its basic, it is not a question of law.

MADAM SPEAKER.- Please allow the honourable Minister to answer the question.

HON. P. KUMAR.- Madam Speaker, the declaration is in place. The honourable Member is telling me to wear shoes before I wear my shorts. Once the declaration is lifted, there will be a report to this effect, and I assure this Parliament that I am going to submit this report.

HON. OPPOSITION MEMBERS.- When, when?

HON. P. KUMAR.- Don't point at me.

(Laughter)

HON. S.V. RADRODRO.- Madam Speaker, I would like to thank the honourable Minister for his commitment to provide a report, and if he can give a timeframe because the question is on the health impact on people and this is very important. So the report must be tabled, it must be done with the resources identified by the Ministry of Health, to be able to address the health issues in that report. So, I request that this report be tabled, maybe in the next session because it is a matter of urgency to the people of Fiji.

MADAM SPEAKER.- Thank you, this question is related to the report that has been answered by the honourable Minister.

HON. P. KUMAR.- Madam Speaker, I will.

HON. N. NAWAIKULA.- But it will be too late. The Impact Assessment Report tells you what to do.

MADAM SPEAKER.- The answer to the question has been provided. Thank you very much.

Fiji Police Force Back Pay
(Question No. 17/2015)

HON. DR. B.C. PRASAD asked the Government, upon notice:

Would the honourable Minister Defence, National Security and Immigration inform Parliament on the following:

- 1) Why were former police officers and current members of the Fiji Police Force not paid the pack pay as per the Job Evaluation Exercise as announced in the 2015 Budget Address, handed down by the Minister of Finance on 21st November, 2014 and provisioned for in the 2015 Budget; and
- 2) When will the full payment be made?

HON. CAPT T.L. NATUVA (Minister for Immigration, National Security and Defence).- Madam Speaker, honourable Prime Minister, honourable Leader of the Opposition and honourable Members, I rise today in this august Parliament to respond to the question put forward by honourable Dr. Biman Prasad on the Job Evaluation Exercise (JEE) of the Fiji Police Force.

Madam Speaker, in addressing this Chamber during the Budget deliberations in December last year. I had acknowledged the support of the honourable Minister of Finance in allocating \$28.2 million for the full implementation of the JEE for the members of the Fiji Police Force, including former officers who have left the Force after 2004.

Madam Speaker, this agenda has been an outstanding issue since 2004, when the JEE should have been implemented with other pay increases for the Fiji Police Force and other Disciplined Services; the Fiji Corrections Services and the Republic of Fiji Military Forces.

Madam Speaker, on 8th January, 2015, I directed a Taskforce comprising of officials from the Public Service Commission, Ministry of Finance and Ministry of Defence to be appointed, to look into the proposed payout. A clear Terms of Reference to verify the findings of the Taskforce, and to provide advice on how best to proceed with the payout, was the basis of the work of the Taskforce.

Madam Speaker, the cumbersome verification process included verifying records of individuals of a total of 2,448 serving officers, 1, 215 officers who have either resigned, retired from the Service, or even those who have passed on after 2004, particularly verifying the effective dates of appointments, promotions, terminations, resignations, retirements and passing way vary respectively. Some officers who have left have returned to the Service, either prior and during the qualifying period of the exercise.

Madam Speaker, whilst working on the verification process, the Taskforce was to ensure that the payment is worked out in line with the standard Government procedure, in an accountable and transparent manner. This is the reason for the delay in the payment of the arrears to the members of the Force until now.

Madam Speaker, I am pleased to inform this Chamber that the Taskforce is expected to conclude its finding soon, with anticipation to present its report to my office by the end of February this year. The intention is to conduct the payout on Pay 7/2015, which is Thursday, 2nd April, 2015.

Madam Speaker, on that note, I reiterate my support to the work of the Taskforce and that any payments in regards to this implementation of the JEE is made on the proposed date mentioned therein.

Madam Speaker, the delay to conduct the payout is because of the huge verification process required in this exercise. It is finally coming to a close, and we assure the payment on the 2nd April, 2015 will be done. I thank you Madam Speaker.

Establishment of Parliamentary Select Committee on Sugar – Support of
(Question No: 18/2015)

HON. DR. B.C. PRASAD asked the Government, upon notice:

Would the honourable Prime Minister and Minister for Sugar inform the House of the following:

- 1) Does Government support the establishment of a Parliamentary Select Committee or Parliamentary Standing Committee on Sugar, to look at finding solutions to re-sustain the sugar industry;
- 2) If “no”, why not?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA (Prime Minister and Minister for *iTaukei* Affairs and Sugar).- Thank you Madam Speaker, as much as the honourable Member wants to have the parliamentary select committee on sugar, so just so he can stick his finger in, the answer is a resounding no. Honourable Members will be aware that the Government, together with the sugarcane industry stakeholders, has put a strategic plan together for the industry Madam Speaker and I have a ministerial statement later on, in the agenda, which I will and I will elaborate on this. But it has been working well and is reaping benefits in making new strides every day. It has already been “resuscitated”, to use Honourable Prasad’s word. In fact, the very premise of the question demonstrates that he doesn’t know what is happening in the sugarcane industry.

HON. A. SAYED-KHAIYUM- Hear, hear!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, the sugarcane industry has been resuscitated. In fact, we have gone beyond resuscitation. I am seriously concerned about his lack of knowledge on the subject matter ...

HON. DR. B.C. PRASAD.- I will respond to you after your ministerial statement.

MADAM SPEAKER.- Order!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- ...and therefore, any select committee that will have the likes of him in it will be doomed to failure, but we won't have one, Madam Speaker. Madam Speaker, we are committed to keeping the momentum of our reforms following a Roadmap which was created with wide consultations, and these reforms should not be slowed by political interference in or from Suva.

The sugarcane industry has been politicised for too long, and without the political interference of the past, we have over the past few years been able to make enormous strides. We don't want those strides to be back-tracked or slowed down because of political interference from Suva or political parties, trying to find a reason for existence, or looking for a new law or looking for new constituencies.

(Laughter)

So Madam Speaker, we won't have a select committee because we want to ensure that we have the right people doing the job that needs to be done, not by a group of people who will talk more, come to the subject matter from a political angle, and probably don't know much about the sugarcane industry in the first place.

HON. GOVT. MEMBERS.- Hear, hear!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Thank you Madam Speaker.

MADAM SPEAKER – Thank you Honourable Prime Minister. Supplementary question.

HON. N. NAWAIKULA.- Madam Speaker, the answer given by the Honourable Prime Minister that it's a no, because they have a committee, and he says the committee is working. Could he give to this House the details of who are the members of this committee, because in the past years, reduction is going down and down? What are their qualifications? What is the qualification of the person, what is the qualification of the person that heads this committee, and what has been their track record, it does not reflect on the ground?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, the question was; are we going to have a parliamentary select committee on sugar or not? I said no.

HON. N. NAWAIKULA.- Why not?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- and I said that I will elaborate on that in my statement.

HON. N. NAWAIKULA.- The question is there for you to answer!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- but for everybody's information, the speaker was one of the people responsible in 2000 if you remember there was an Honourable member, the Honourable member

HON. A. SAYED-KHAIYUM- Honourable member speaking

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- the Honourable member speaker, speaking, was one of those involved in the policies that came up in 2000.

HON. N. NAWAIKULA.- Yes, but you were involved in the *coup*.

(Laughter)

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- He's just admitted it

MADAM SPEAKER.- I will remind Members to

HON. A. SAYED-KHAIYUM.- Yours is worse!

HON. OPPOSITION MEMBERS.- Tell him! Tell him!

MADAM SPEAKER.- keep to the subject.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- He's just admitted it,

MADAM SPEAKER.- keep to the subject.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA - He's just admitted it , he's action in 2000 killed the sugar industry. Thank you.

MADAM SPEAKER.- In my opinion, their question has been adequately answered.

HON. N. NAWAIKULA.- Supplementary question arises from the nature of the answer that was given. The answer given is that they have a committee, and I'm asking who heads this committee what has been their track record.

HON. OPPOSITION MEMBER.- Now answer!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Thank you Madam Speaker, I've just said that, I will have a statement at the end of this question and answer session, and we will give it to him, and of course to Honourable Biman Prasad.

MADAM SPEAKER.- Thank you, we will move on to the next question.

Monetary Compensation to Resource Owners
(Question No. 19/2015)

HON. A.M. RADRODRO asked the Government, upon notice:

Can the honourable Minister for Local Government, Housing and Environment inform Parliament if Government will provide monetary compensation to resource owners for the environmental damage to their resources caused by the sewerage spill in Nabua?

HON. P. KUMAR (Minister for Local Government, Housing and Environment)..- Madam Speaker, I rise to respond to the question asked by the honourable Member.

Madam Speaker, first and foremost, we must be clear that the spill was caused by the natural disaster which is an act of God. Having said that, the Environment Damage Assessment Report will only be finalised after the declaration expires. So, once the report is done, then and only we will determine the way forward. I am not in a position now to talk about compensation because the report is not completed yet.

MADAM SPEAKER. – Since there is no supplementary question, I will now ask the honourable Viliame Gavoka to ask question, 20/2015.

Casino Development - One Hundred Sands Limited
(Question No. 20/2015)

HON. V.R. GAVOKA asked the Government, upon notice:

Would the Minister explain when the Government will revoke the licence for the casino development by One Hundred Sands Limited given they have failed to comply with contract conditions?

MADAM SPEAKER. – Thank you, Honourable Minister for Justice

HON. A. SAYED- HAIYUM (Minister for Finance, Public Enterprise, Public Service and Communications and Justice). – Madam Speaker, the licence was in fact revoked on Monday.

HON. J. DULAKIVERATA. – Supplementary question. When the casino was not in operation failed to adhere to the conditions laid by the Government, it was penalised to pay eight hundred US, a total of \$US100,000 per month so has all that money been paid up to-date before the licence was cancelled? Thank you Madam Speaker.

MADAM SPEAKER. – Thank you, Honourable Minister

HON. A. SAYED-KHAIYUM. – Thank you Madam Speaker, I can assure the House that to-date approximately a million dollars, approximately a million dollars, I don't have the exact figure but close to a million dollars, has already been received in pecuniary damages- penalties that has been already received by us. And of course, one of the reasons for the revocation of the licence was because the other million dollars that's due has not been paid to-date. What we will be doing as provided for under the licence, we have the ability to pursue the outstanding amounts and that would be pursued by Government. Thank you.

MADAM SPEAKER. – Thank you. Supplementary question.

HON. RATU S.V NANOVO. – Supplementary question Madam Speaker. Given, it appears that the casino will not be constructed and the Government may have swindled- may have been swindled in this case, what due diligence measures has the Ministry implemented to improve selection of future potential foreign investors to Fiji?

MADAM SPEAKER. – Honourable Minister

HON. A.SAYED-KHAIYUM. – Thank you Madam Speaker, the Government has not been swindled actually, we have not lost any money, normally when we say “swindled” it means you make a loss. We have in fact gained a million dollars, we have already the potential to gain another million dollars. So Madam Speaker, the Honourable Member, does raise a very important point, and in fact it is quite a valid question regarding the selection of an operator

and as we mentioned to the press yesterday, we will soon be advertising or asking for expressions of interest and we’ll be advertising as we did previously, but this time probably a lot more extensively internationally and we’ll be, as told to the media yesterday also, that we’ll give a very long period during which people can apply, on a period of three months, as already been stated. In that period of course, we will then once the period is over, we hope to be able to attract good calibre of people. We have obviously learnt from this particular experience. We do have some draft regulations in place and indeed some draft laws. and we hope to be also liaising with other countries that have Casino Commissions. In fact, some of the regulations that we have already drafted were borrowed from the Nevada Gaming Commission. So we’ll be using all those as a guideline, looking at best international practices as to the- in the selection process. Thank you Madam Speaker.

MADAM SPEAKER. – Thank you.

HON. V.R. GAVOKA. – Madam Speaker, Supplementary question.

MADAM SPEAKER. – Supplementary question.

HON. V.R. GAVOKA. – Is there anything in the process that asks the people of Fiji, whether they want a casino?

MADAM SPEAKER. – Honourable Minister.

HON. A. SAYED-KHAIYUM. – I do not understand the nature of the question. What does that mean in the nature of the process?

HON. V.R. GAVOKA. – Madam Speaker, a casino is alien to what we offer as tourism offerings. I think a lot of people have spoken their mind about the desirability of having a casino. I think it’s only fair that we ask the people of Fiji whether they want a casino to be part of the tourism offerings in this country.

HON. A. SAYED-KHAIYUM. – I assume the question, Madam Speaker, is are we going to have a referendum?

HON. OPPOSITION MEMBERS. – Yes!

HON. A. SAYED-KHAIYUM. – No Madam Speaker. Madam Speaker the reality is this, that there are a lot of people also who do want a casino. There are also a lot of people in the tourism industry that look forward to a casino. Perhaps the Honourable Member when he was with the FVB, at that time it was different -Times have changed, Madam Speaker, we do not live in a time warp, we move along. The nation is maturing, the nation is growing, the economy is growing, the tourism sector is changing and indeed, Madam Speaker, indeed Madam Speaker, the tourism nature in the world is changing and we need to be cognisant of that.

But, let me also enlighten, let me also enlighten the Honourable Members, in particular from the other side, part, oh sorry on this side of the House not the top half. Madam Speaker part of the condition of the casino licence was also intertwined with that, was to have a very large Convention Centre. In fact in the original casino licence, part of that was to have a 1500-seat State of the Art Convention Centre. Fiji at the moment, Madam Speaker, is unable, is unable to attract large scale conventions in Fiji, large scale exhibitions in Fiji. For example, every four years the Asian Development Bank has meetings in all the member countries, there has been some talk about Fiji. They have about 3 or 4 thousand people that attend this conference. We miss out on these opportunities because we don't have such facilities.

So, part of the casino licence was also to have add-ons into what people call the "MICE Market". So there was one condition, part of the other condition also, Madam Speaker, was also to ensure that there is at least a 100-room hotel linked to the casino. There are various other conditions in terms of not having, for example, ATM machines where you have the casinos, restrictions on locals to be able to attend; there are number of conditions that have been put in place. So Madam Speaker, the casino is very much nowadays an integral part of the tourism sector. It can obviously, the effects of it can be cushioned. In the same way we also have paedophiles coming in to Fiji because of tourism. We also need to mitigate those risks, so it's a whole question of mitigating risks and managing those risks and we hope to do that very well. Thank you Madam Speaker.

MADAM SPEAKER. – Thank you. Supplementary question.

HON. RATU N.T. LALABALAVU. – Supplementary question Madam Speaker. First of all, I'm quite surprised at the statement made by the Honourable Minister of Finance regarding this question, and that is to admit openly in this House that they've learnt something from this investment exercise or proposal, because all the time he keeps pointing to this side of the House that we do not know anything.

(Laughter)

Now he has stated openly in the House, "They've learnt a lot now". And now he even went further to state that they are going to be enlisting, that they are going to be enlisting some, some good advice from institutions in Nevada and elsewhere regarding this particular proposal.

HON. A. SAYED-KHAIYUM. – What is the question?

MADAM SPEAKER. – Thank you, question please

HON. RATU. N.T. LALABALAVU. – So the question that I would like to raise, also in response to the statement that he has made that some people in Fiji, some people in Fiji are also for this kind of development. Why can't - can he explain, why can't we have a referendum on this and get the views of the people, so that he can be able to substantiate in this honourable House- this is where the figures have come from and these are the people that are for this kind of development.

HON. OPPOSITION MEMBERS. – Hear, hear!

MADAM SPEAKER. – Honourable Minister

HON. A. SAYED-KHAIYUM. – Madam Speaker, I stand up to echo the words of the Honourable Prime Minister, I shudder to think what if that side of the House was sitting on this side.

They would be having a referendum, they would be having a referendum - do we extend the sewage treatment plant or not? That's they want to have a referendum for every single thing. The Honourable Member who has asked the question was part of a Government that failed to have a referendum on many important issues. Madam Speaker the question is, Madam Speaker the question is

(Chorus of interjections)

MADAM SPEAKER. – Order, order!

HON. A. SAYED-KHAIYUM. - Madam Speaker, because of the fact that the Honourable Member asked a question in such a convoluted manner, I would like to say one thing first, knowledge Madam Speaker is something we keep on gaining right until we die.

HON. MEMBERS – Don't preach.

HON. A. SAYED-KHAIYUM. - No no he talked about knowledge. Talked about-we have to gain knowledge right until we die. If everybody had all the knowledge in this world, Madam Speaker, they'd be God. None of us are God. We are not Gods, Madam Speaker.

HON. MEMBERS – Don't preach.

HON. A. SAYED-KHAIYUM. - I will preach. Madam Speaker .You need to be peached to. Madam Speaker ...

MADAM SPEAKER. – Order, order

HON. A. SAYED-KHAIYUM. - Madam Speaker at least this Government does say that we have learnt, every day is a learning process. How much knowledge we have we most definitely, Madam Speaker ...

HON. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- I can say one thing though, Madam Speaker, by the comments and the questions from the other side, we have a lot more knowledge on this side of the House than they do. But we, we will continue to grow the bank of knowledge we have.

HON. GOVT. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- If we, like the SDL Government pretended we knew everything, imagine the debacles they had, Imagine the debacles they had Madam Speaker. I can start from Momi, Honourable Member. Imagine the debacles they had.

HON. N. NAWAIKULA.- Yes or no?

HON. RATU N.T. LALABALAVU.- Just answer the question!

HON. J. DULAKIVERATA.- Talk on the issue!

MADAM SPEAKER. – Order!

HON. A. SAYED-KHAIYUM.- So Madam Speaker. I'm speaking on the issue. You see the problem Madam Speaker with the other side of the House, they want a short sharp answer just to fill in their gap of what they want.

(Laughter)

You see, I'll tell you, I'll tell you, Madam Speaker, the Honourable..

I'll give you, I'll give you an example, Madam Speaker. The Honourable Leader of Opposition, Honourable Leader of Opposition...

(Chorus of interjections)

MADAM SPEAKER.- Order!

HON. RATU I.D. TIKOCA.- That's your Constitution.

HON. A. SAYED-KHAIYUM.- Oh you quoting it from yesterday,

HON. RATU I.D. TIKOCA.- That's your Constitution,

HON. A. SAYED-KHAIYUM.- You quoted it from yesterday..

HON. RATU I.D. TIKOCA.- That's your Constitution

HON. A. SAYED-KHAIYUM.- Madam Speaker can I ?

MADAM SPEAKER.- Please, can you allow the Honourable Minister to continue with his response?

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Madam Speaker, to state the obvious, because of this Constitution he is sitting there.

HON. GOVT. MEMBERS.- Hear, hear!

HON. A. SAYED-KHAIYUM.- Because of this Constitution, his getting a salary.

(Laughter)

Because of this Constitution, Madam Speaker, he's the Whip. You are the Whip!

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Madam Speaker, if I can continue with my train of thought, the Leader of Opposition, who unfortunately is not here Madam Speaker, I'll give you, I'll give you the selective type of information the Opposition shares with this side of the House.

She quoted Section 47(2) in terms of expedited bills, she quoted she said:

“Parliament may proceed to consider any Bill in accordance with its Standing Orders, which must provide –

A structured process for the introduction, deliberation, amendment and enactment of the Bills; and

Sufficient time to elapse between the steps.”

That was sub-section (2), that was sub-section (2) Madam Speaker. She did not read to this House sub-section (3). What does sub-section (3) say?

“A Bill may proceed more quickly than permitted by the standing orders if –

(a) When the Bill was introduced, the mover requests...

HON. ROKO T.T.S. DRAUNIDALO.- A point of order, Madam Speaker.

HON. A. SAYED-KHAIYUM.- So, Madam Speaker, talking about knowledge...

HON. ROKO T.T.S. DRAUNIDALO.- Point of order, Madam Speaker.

HON. A. SAYED-KHAIYUM.- Don't yell at me! You address the Speaker. Don't yell at me, and maintain decorum.

MADAM SPEAKER.- We will have to .. Point of order!

HON. ROKO T.T.S. DRAUNIDALO.- You were just shouting!

MADAM SPEAKER.- Point of order!

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, the Standing Orders do not allow imputations, improper motives and the like to other Members of this House. They are the ones that want to, you know, change their mind on decorum daily. So, we ask if we are on the high end now, can we ask for strict observance of that?

HON. RATU N.T. LALABALAVU.- Thank you!

MADAM SPEAKER.- Thank you, I have allowed more discussion on the question, particularly when there is a lot of background information given before the question is answered, and this is the reason why there has been some expanded answer to some of the questions that have been posed. and this is why I have allowed the Minister to continue his response, particularly based on the background information that was given before the question was asked.

However, up to now, I think the question has been adequately answered, and we will now move on to the next item on the agenda.

Written Question

Official Overseas Trips – Cabinet
(Question No. 21/2015)

HON. A.T. VADEI asked the Government, upon notice:

Would the honourable Prime Minister inform this House as to how many overseas trips were taken by members of his Cabinet and for what purposes from 1st January, 2014 to 31st January, 2015?

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Madam Speaker, first of all, the question should read, “Official Overseas Trips” as we discussed in Business meeting.

MADAM SPEAKER.- It will be the “Official Overseas Trips” that is going to be answered in writing to that written question.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- And in addition to that, Madam Speaker, I will table the information as requested within the timeframe as stipulated under Standing Orders 45(3).

MADAM SPEAKER.- Thank you Honourable Prime Minister. Thank you, before we move on to the next item on the agenda, I reckon we’ve had some very robust debate this morning, and we need some time to let off steam so we will break for refreshment and we’ll return at 11.30

The Parliament adjourned at 11.22 a.m.

The Parliament resumed at 11.30 a.m.

MR. DEPUTY SPEAKER took the Chair

STATEMENT BY MINISTER

Sugar Industry

MR. DEPUTY SPEAKER.- The Prime Minister and Minister for *iTaukei* Affairs , Sugar Industry has informed me that he wishes to make a Ministerial Statement under Standing Order 40. Each Minister may speak up to 20 minutes, I will then invite the Leader of Opposition and the Leader of NFP to speak on the statement for no more than five minutes, or they may designate another Member of their party. There will be no other debate. I now give the floor to the Honourable Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry.

HON. J. DULAKIVERATA.- Thank you Honourable Speaker. I rise to raise a point of order in regard to section 40 of the Standing Order –Ministerial Statements I request the speaker Sir if Ministerial Statements can indicate the subjects they are talking about and listed on the Order Paper like we do with the Questions. Thank you.

MR. DEPUTY SPEAKER.- Secretary General.

Honourable Members, Standing Order 40: “A Minister who wishes to make a statement on public matter of national importance must inform the Speaker and each party represented in Parliament”

Secretary-General ...

Honourable Members, we will take a break. Would you please give me 2 minutes, I will come back to you. Thank you.

The Parliament adjourned at 11.31 a.m.

The Parliament resumed at 11.35 a.m.

MR. DEPUTY SPEAKER.- Thank you. My ruling under the point of order is the Standing Order does not specify that the subject matter of a Ministerial Statement must be included for the Order Paper however I will refer the matter to the Business Committee for their consideration. Thank you. I will now call upon the Honourable Prime Minister and Minister for *iTaukei* Affairs and Sugar Industry.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Thank you Mr. Deputy Speaker. Mr Deputy Speaker as the Minister responsible for the sugarcane industry, I rise today in this honourable House to give a report on the state of the industry.

Mr. Deputy Speaker, , there are a few issues in Fiji that have been more politicised than sugar. In the lead-up to the election last year, many people were out in the grassroots, spreading misinformation, using fear as a weapon to erode ordinary people's confidence in my Government's reforms. And unfortunately, some have continued to spread misinformation and fear even after the election, including some of those sitting on the opposite side of the House. Not that group.

(Laughter)

HON. J. DULAKIVERATA.- We are on your side.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Mr. Deputy Speaker, the address given by the Honourable Prem Singh on 16th October, 2014, during the debate on His Excellency the President's Address, is a good example of this sort of behaviour. Rather than engaging in a productive, or even realistic discussion about the challenges the industry faces, the Honourable Member decided to dwell on the past and try to score cheap political points, using misinformation and distorted facts.

For example, Mr. Deputy Speaker, the Honourable Singh engaged in a long rant about past history with the EU, but failed to mention that Government is once again working with the EU, and the Government of India to bring about development assistance to further boost the industry.

The Member criticised Government's failure to renew the majority of expiring land leases, when in fact Government's rental subsidy has resulted in lease renewals soaring to 80 per cent in 2013, from 43 per cent in 1997. 80 per cent in 2013, from 43 per cent in 1997.

The Honourable Member said that a 50 kilogramme bag of fertiliser costs \$31.50 without mentioning that this price, is after Government subsidy of \$14.09 and He spent a large section of his time discussing the Sugar Cane Growers' Council - a favourite topic of his. He complained about the termination of the 38 councillors in 2009, without acknowledging that the Council was one of the most highly politicised organisations in the industry.

HON. GOVT. MEMBERS,- Hear, hear!

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- The councillors were political appointees. Perhaps some of them were Honourable Singh's friends ...

HON. P. SINGH.- They were elected.

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- ... who cared about the interests of a small group of elite than the ordinary cane farmer.

Proof of this, Mr Deputy Speaker is that there have been no representations made by the growers to convene a new election. I wonder if the Honourable Singh continues to raise this issue because, like his colleague and party leader, he has found his traditional support based in the cane belt eroding from beneath him. Mr. Deputy Speaker, I would like to point out that the administrative arm of the Sugar Cane Growers Council continues to exist and provides regular assistance to growers. We believe that the Council should exist to serve their best interests – not those of a select few. And so we intend to carry out further reforms of the organisation to enable it to better assist our cane farmers.

Mr. Deputy Speaker, Sir, I also note how quick some of those in the Opposition have been to politicise the issue of the special cane payment including, the Honourable Biman Prasad. This was a payment made in the past before the beginning of the new school term, to help farmers prepare their children for their courses. However with the provision of free tuition, free textbooks and subsidised bus fares, the demands on parents have been greatly eased by Government and of course, you can add now; free water, free medicine and you will find out subsidised electricity. Something that the Members opposite conveniently ignored and I suppose because all these wonderful initiatives, Mr Speaker which have been embraced by the Fijian people irks them.

HON. GOVT MEMBERS.- Hear, hear.

HON. REAR ADMIRAL (Ret) J.V. BAINIMARAMA.- Mr. Speaker, the fact is that, not all cane farmers require such a payment but those who do, are being assisted through the Sugarcane Growers Fund. I understand that as of yesterday, a total of 1,000 cane farmers have accessed loans from the Sugar Cane Growers Fund, totalling \$811,000 Mr. Deputy Speaker.

Mr. Deputy Speaker, the Sugar Cane Industry is a national issue, not a political one. If the industry is to have any chance of long term success and prosperity, which we believe it does – politics must be removed from the equation. All stakeholders need to work together in the best interest of the industry and the \$200,000 Fijians who rely on it for their livelihoods. There must be a commercial approach, as has been taken in Mauritius, which Honourable Prasad used as a reference in his Budget response speech but unfortunately, he walked out...

HON. A. SAYED-KHAIYUM.- Oh, shame, shame.

HON. REAR ADMIRAL (Ret) J.V. BAINIMARAMA.- ... even though he is supposedly the opposition spokesman on finance....

HON. DR. B. PRASAD.- You messed up the budget Total mess!

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- ... when he had the opportunity Mr. Deputy Speaker to scrutinise the Appropriation Bill. If this is the level of commitment or more appropriately lack of genuine commitment they have to the national budget, then how can we expect them to be genuine regarding this important sector in our economy on which nearly 200,000 Fijians depend on, directly or indirectly for their livelihood.

Can I carry on?

Mr. Deputy Speaker, no one will deny the challenges that the industry faces in the years ahead but unlike those who have only negative things to say without offering any solutions on this side of the House, on this side of the House we are fully committed to the survival, to the prosperity and future viability of Fiji's Sugar Cane Industry.

HON. DR. B. PRASAD.- It has not gone up the \$2 million mark.

HON. REAR ADMIRAL (Ret) J.V. BAINIMARAMA.- So, today, Mr Deputy Speaker, I would like to outline my Government's plan to keep our reforms on track and continue to build on the success of the past few years. But before I do Mr Speaker, I would first like to take a moment to pay a special tribute to a special man, my former Permanent Secretary for Sugar and my right-hand man in the industry, Manasa Vaniqi, who passed away earlier this year.

I 'm still coming to terms with his loss, as are his family, his many friends and colleagues across society, and especially in the Sugar Cane Industry. He left a positive and lasting mark on all of us and the Sugar Cane Industry in Fiji is better off for his years of service.

HON. GOVT. MEMBER.- Hear, hear.

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- Mr. Deputy Speaker, the Sugar Cane Industry in Fiji is at a critical turning point. When my Government assumed office, many people had simply written the industry off, convinced that it was on the verge of collapse. But where others saw no viable future for sugar in Fiji, my Government was determined to not only keep the industry alive but to place it on a new and more secure footing.

And our commitment to the industry has never been stronger. The fact that I continue to be Minister of Sugar in the new Government, as well as Prime Minister, demonstrates the importance that I attach to the welfare of the industry. It is in the same manner I continue to be the Minister of *iTtaukeyi* Affairs.

Mr. Deputy Speaker, it's no secret that the reform programme hasn't been easy. Indeed, it has sometimes severely tested us but I am pleased to re-put, report to you today that through determination, innovation and a lot of hard work, those who work with me on the front line, keeping this vital part of our economy turning have succeeded.

just to look, just look where we have come from:

- 1) the uncertainty over the renewal of expiring ALTA leases;
- 2) a 36 per cent cut in the price of our export sugar;
- 3) the rising cost of production;
- 4) the poor performance of our mills;
- 5) the weak financial position of the Fiji Sugar Corporation.

And just look where we are now:

- 1) The lease renewal issue addressed through the rental subsidy initiative through CBUL which has benefitted tenants and landowners alike;

- 2) \$116 million invested in the upgrade of our three largest sugar mills as part of our drive to modernise the industry and put it on a more secure footing; and
- 3) Plus initiatives we've invested in for the benefit of sugar cane growers, such as our funding for fertiliser to keep prices low and our work to improve cane access roads around the country;
- 4) Increase in the share value of FSC and its collaboration with the private sector such as the ANZ Bank. The private and financial sectors are now confident to deal with FSC.

Mr. Speaker, an overall snapshot of the industry shows that we are not only producing more cane, but more importantly, producing more sugar from less cane and approaching international benchmarks.

HON. A.T. VADEI.- Check your data!

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- Against an initial estimate of two million metric tonnes of cane for the 2014 crushing season, we crushed 1.83 million metric tonnes of cane and produced 226, metric tonnes of raw sugar with a TCT of 8.1.

Please note, Mr. Speaker, that this is lower than the outdated 2013 stats

HON. P. SINGH.- It's destruction!

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- that the Honourable Singh decided to quote in his address.

Mr. Deputy Speaker, for those who do not know, TCTS stands for tonnes of cane to tonnes of sugar. It indicates how many tonnes of cane it takes to produce a single tonne of sugar and it is a reliable measure of efficiency in our fields and in our mills.

HON. P. SINGH.- How much a farmer lost in the last couple of years?

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- Not long ago, not long ago Fiji's TCT was over 13. Not long ago. Our goal for last season was a TCT of 9, which would have indicated a massive improvement in overall efficiency. As it turned out, thanks to the investment we have put into our mills, we beat our target. This past season, Mr Speaker, Fiji's TCT dropped to 8.1.

HON. GOVT MEMBERS.- Hear, hear!

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA.- In other words, just over eight tonnes of cane to produce a tonne of raw sugar.

HON. P. SINGH.-the report says 7.8 ..

HON. REAR ADMIRAL (Ret.) J.V. BAINIMARAMA - And against the mill recovery target of 83 per cent, the industry achieved a mill recovery rate of 88.1 per cent. Both impressive results Mr Speaker.

Mr. Deputy Speaker, our industry was hampered along with other sectors by a drought which started back in March and continued throughout the harvesting season from June to November. But

compared to the 2013 crushing season, these figures still represent an increase in cane production of around 14 per cent; an increase in sugar production of more than 25 per cent and an improvement in TCT of 11 per cent. All extremely gratifying.

Mr. Deputy Speaker, one of the other remarkable success stories of the last few years is the remarkable turnaround of the FSC, Fiji Sugar Corporation. Government funding to Fiji Sugar Corporation in 2011 and 2012 allowed the organisation to reduce its accumulated loss from \$175 million in 2010, to \$36.5 million in 2011, to finally recording a profit in 2012. The FSC is now able to stand on its own two feet. Government does not need to provide it any direct funding since 2013.

Of course, Mr. Speaker, Government has supported a 40 million Euro pre-export facility for the FSC, in partnership with ANZ, to improve the organisation's cash flow situation. With this facility, FSC has access to short-term funding from ANZ guaranteed by Government, in order to ensure farmers are paid on time and to enable preventative maintenance works as and when needed at the mills.

As for any other operational cost, the participation of private commercial banks directly in the sugar industry in such a manner is unprecedented. It demonstrates the enormous confidence the private sector has in our reforms and the strength of the management under the Executive Chair, Mr. Abdul Khan.

Mr. Deputy Speaker, in 2014, Government also provided a budget of \$8.4 million for a cane development grant with the target of planting 3,000 new hectares of cane.

I am pleased to announce that by the end of the extended planting season last December, the industry managed to plant more than 5,600 hectares, exceeding our target by 2,600 hectares. The total area under cane production now stands at 40,418 hectares.

Mr. Deputy Speaker, as you can see, we have kept the faith with the 200,000 Fijians who looked to us to turn back the tide of neglect by successive previous Governments. We have provided them with new hope for the future. But the industry is not out of the woods yet. We all know the challenges we face in the years ahead. That's why it's important than ever before, to carry our momentum forward. To keep working together to guarantee a viable future for the sake of those working in the Sugar Cane Industry now and the generations to come.

Mr. Deputy Speaker, the abolition of EU sugar production quotas post 30th September, 2017 and the consequent adverse implications of sugar prices poses a very big challenge indeed. Moreover, EU sugar prices have already come under pressure, with significant falls compared to prevailing prices over a year ago. So suppliers like Fiji are having to prepare for a reduction in our export revenues even before 2017, a sobering prospect for any developing nation.

Mr. Deputy Speaker, we have already begun a serious search for new markets to give our industry as many options as possible in the post-2017 era. Last year, a senior delegation led by the then Minister for Industry and Trade and the Executive Chairman of FSC, travelled to the Middle East and Asia to begin opening a dialogue. Encouraging talks were held and these will be pursued this year.

But in the meantime, Mr. Deputy Speaker, we are not resting on our laurels on the home front. We are not waiting to be swamped by events. Our industry is vigorously fast tracking other initiatives to diversify and expand its revenue streams. We are moving away from our reliance on one commodity - raw sugar, because we know that this is no longer viable. We need to be smarter, to add value to our crop, to exploit new revenue opportunities and open up new markets.

This year, work will commence on a number of important projects:

- 1) branded sugar packaging in Lautoka;
- 2) an ethanol project in Rarawai
- 3) a syrup mill in Penang; and
- 4) a sugar refinery in Labasa and cogeneration projects in Labasa and Rarawai.

Mr. Deputy Speaker, these plans got a big boost when the Indian Prime Minister, honourable Narendra Modi announced during his historic visit to Fiji a \$US70 million line of credit through the EXIM Bank of India. I note rather embarrassingly that the SODELPA members were absent at Prime Minister's Modi's historic address in this august House. I thank two of the three members of the National Federation Party, who joined us in welcoming Prime Minister Modi. Sometimes, I get confused with your confusion.

Of course, Mr. Deputy Speaker, these projects are in addition to the ongoing efforts to raise cane production:

- 1) pave the way for a cane quality payment system;
- 2) improve mill efficiencies; and
- 3) reduce farming costs to improve the livelihood of farmers.

Mr. Deputy Speaker, Sir, it is all about being smarter, taking a commercial approach, being more adaptable, talking facts and embracing technology rather than simply standing by, only talking and being swamped by events.

One of the projects that we have just started is the digital mapping of our 13,000 sugar cane farms to establish precisely where they are, what they produce and how we can improve their output.

The Fiji Sugar Cane Industry WebGIS Portal, which I launched at the end of last year is a technological breakthrough that promises to revolutionise our management of the Sugar Cane Industry. We are now able to digitise the whole of the cane belt at farm and plot level, to get a real time picture of the performance of the industry. Using GPS, the satellite Global Positioning System, we can establish the precise parameters of our cane farms. We can walk around any farm with a GPS device and get the co-ordinates of those areas under cultivation and those areas that are fallow and where more can be grown. It is all digitised and stored in the industry WebGIS Portal, which is directly linked to the FSC's database.

Mr. Deputy Speaker, Sir, it is all about having a long term plan. To use the data we collect to improve the industry's overall performance. That is why my Government, together with the industry stakeholders have put together a Sugar Cane Industry Strategic Action Plan, which lays out a vision for the development of the industry. It is implemented by the Ministry with the Permanent Secretary as chairperson and all stakeholders as members.

Before I conclude, Mr. Deputy Speaker, I would like to announce a new initiative today that I am personally very excited about. The Ministry is working closely with the industry stakeholders to put together what we have called a "New Cane Farmer Package".

Many of the labourers who work the cane fields have skills and know-how to run their own farms, but they do not have the opportunity or the business knowledge to get started. So the idea behind this initiative is to help labourers and other interested individuals start their own farm by helping them with such things as cane contracts, leases and financing. I look forward to having more to say on this soon.

As my time is up, I conclude my statement this morning.

HON. RATU N.T. LALABALAVU.- Mr. Deputy Speaker, Sir, I stand as being designated by the Leader of the Opposition to also make some remarks regarding the Ministerial Statement made by the honourable Prime Minister.

From the outset, like the honourable Prime Minister as of yesterday, I would also like to make a few comments on the remarks that he made regarding the proper upkeep and the observation of decorum of this House. This is also in addition to the Statement or the Communication made from your High Office this morning to us in this august House. Sir, I find the remarks made by the honourable Prime Minister yesterday, as very insinuating and denigrating in the sense that he was kind of generalising as to how do we behave in this House by singly picking out on what he said, "blue blooded" Members of this House. I find that more insulting than what he was trying to say.

HON. M. VUNIWAQA.- A Point of Order, Mr. Deputy Speaker. In accordance with Standing Orders, what we are supposed to be hearing from the other side is a response to the Ministerial Statement, we are not hearing that yet.

MR. DEPUTY SPEAKER.- Please respond to the Ministerial Statement.

HON. RATU N.T. LALABALAVU.- For the information of the honourable Minister for Lands, maybe she did not hear me. All I was trying to say is exactly what the honourable Prime Minister did yesterday in making his Ministerial Statement, he went a few minutes to say what he wanted to say on his observation of proper decorum in this House. May I just add a little bit more on that, Mr. Deputy Speaker.

For some of us in this august House who happened to be part of this blue-blooded thing, that has been depicted by the honourable Prime Minister are here not of choice, Mr. Deputy Speaker.

HON. P.B. KUMAR.- A Point of Order, Mr. Deputy Speaker. I refer to Standing Order 40, which says, and I quote:

- (1) "A Minister who wishes to make a statement on a public matter of national importance must inform the Speaker and each party represented in Parliament, no less than 1 hour before the beginning of the sitting day at which the Minister wishes to make a statement, or his or her wish to do so.
- (2) A statement is made at the time appointed under Standing Order 34.
- (3) There is no debate on a statement but the leader of each opposition party represented in Parliament, or his or her designate, may comment, for no more than five minutes each, on the statement."

HON. N. NAWAIKULA.- What is your point?

HON. P.B. KUMAR.- Mr. Deputy Speaker, Standing Order 40 is very clear, where they are given opportunities for five minutes to respond to the Ministerial Statement. What the honourable Member is saying, this was not today when the honourable Prime Minister made that statement.

HON. M.D. BULIVOU.- He did not even speak on the topic yesterday!

HON. P.B. KUMAR.- So, I seek your ruling on this, Mr. Deputy Speaker.

HON. DR. B. PRASAD.- Mr. Deputy Speaker, I think the honourable Member is suddenly confused, and it is a misuse of the Standing Order in relation to the reply that the honourable Member was giving.

MR. DEPUTY SPEAKER.- Thank you, honourable Members. I would like to call upon the honourable Ratu Lalabalavu to respond, especially to the Statement by the honourable Prime Minister.

HON. RATU. N.T. LALABALAVU.- Thank you, Mr. Deputy Speaker, Sir. Before I do that, Sir, with due respect to the decision that have just been made by your good self, Sir, I wish to mention that this Statement also came this morning by way of a Communication from your High Office. So, as members of the Opposition, we are not going to take this lying down. We also have to express our views regarding the Statement. This is a very important Statement. But, let me cut it short, Mr. Deputy Speaker, Sir.

The honourable Prime Minister made those rude signs during the Budget Debate, but we made no comments. I was asked, whether I saw it, and the honourable and learned Attorney-General saw it too ...

(Laughter)

... but we decided not to go that way because there are unwritten rules that exists in this House as well. The honourable Prime Minister has traditional relationship with some honourable Members on this side of the House, so we did not want to make any remarks on that.

But having that said that and since he has advised us and given his Statement yesterday, all we want to say, Mr. Deputy Speaker, Sir, and for the information of the honourable Minister for Environment, this is just like “the pot calling the kettle black”.

HON. OPPOSITION MEMBERS.- Hear! Hear!

HON. RATU N.T. LALABALAVU.- You people did it, we never complained. But, let me reassure this august House, Mr. Deputy Speaker, Sir, that we are not going to be condoning what happened that day.

HON. REAR ADMIRAL (RET'D) J. V. BAINIMARAMA.. – No more ‘*kaisi*’!

HON. RATU N.T. LALABALAVU.- Yes, that is right. No more ‘*kaisi*, because there is no ‘*kaisi*’ here. We are all equal here as stated by the honourable Draunidalo. That is all, Sir.

Now, let me go on to my reply.

MR. DEPUTY SPEAKER.- Honourable Member, you have only two minutes to reply to the Statement, please.

HON. RATU N.T. LALABALAVU.- Thank you, Mr. Deputy Speaker, Sir. The truth hurts but again, to make comments on the Sugar Industry, what the honourable Prime Minister is saying is something, what is happening on the ground, the reality of it, is something else.

HON. OPPOSITION MEMBERS.- Hear! Hear!

HON. RATU N.T. LALABALAVU.- We achieved 400,000 tonnes of sugar in 1999, it was the *Soqosoqo ni Vakavulewa ni Taukei* (SVT) effort, but after the General Elections, the Fiji Labour Party won, so they claimed it. But for the industry, we pegged 400,000 tonnes of sugar.

In 2006, when the Military took over, we recorded a 3.4 million tonnes of sugarcane was produced. About 300,000 tonnes of sugar was produced. In 2014, as has just been alluded to by the honourable Prime Minister, we are struggling around the 200,000 tonnes of sugar. The capacity of the four Mills is able to crush four million tonnes of sugar. We are really below capacity.

The TCTS, yes, we commend you for that, honourable Prime Minister. That is a great leap forward.

HON. REAR ADMIRAL (RET'D) J. V. BAINIMARAMA.- *Vinaka!*

HON. RATU N.T. LALABALAVU.- But, the total output needs to be looked into very seriously. After all these eight years, they are still struggling around the 200,000.

(Laughter)

They cannot deliver the milk, they cannot deliver the textbooks, now it is the Sugar Industry.

(Laughter)

And now come 2017, we are happy that the honourable Prime Minister hopefully has bigger plans, and make sure that we have something that will cater for the future of the cane industry, and especially people that rely on it for their livelihood. We are hoping on that, Mr. Deputy Speaker, Sir.

To conclude, Mr. Deputy Speaker, all we want to say to the honourable Prime Minister is that, we extend our hands to help the country because this is a national issue. We want him to agree to the question that was raised by the honourable leader of the National Federation Party but the honourable Prime Minister kept on harping about politicisation. May be, he is afraid of the next General Elections.

(Laughter)

On that note, Mr. Deputy Speaker, Sir, all we want to say is, we are still struggling but we are prepared to help. Thank you, Mr. Deputy Speaker, Sir.

MR. DEPUTY SPEAKER.- *Vinaka!* I would like to call upon the honourable Leader of the National Federation Party. The floor is yours, Sir.

HON. DR. B.C. PRASAD.- Thank you, Mr. Deputy Speaker. I want to thank the Honourable Prime Minister for his statement. I have no doubt that the Honourable Prime Minister has very good intentions. I think he means well for the Sugar Industry.

I was actually thinking, Mr. Deputy Speaker, to ask my colleague, the honourable Prem Singh to reply but I saw a very nice picture of him with the Honourable Prime Minister this morning in the newspaper, I thought I will leave the friendship there.

HON. A. SAYED-KHAIYUM.- No trust! No trust!

HON. DR. B.C. PRASAD.- Mr. Deputy Speaker, let me remind the honourable Prime Minister of his statements about working together after the General Election, his United Nations Address, and I took all that as very good intentions on the honourable Prime Minister.

The honourable Prime Minister talks about the politicisation of the Industry. I think he is a politician himself now, and may be, he will begin to think like a politician within the context of the Industry that we are talking about. But let me just give some figures, and as my honourable colleague already said, I think the fact on the ground is very important.

In 2007, Mr. Deputy Speaker, we had about 18,000 active growers. Today, Mr. Deputy Speaker, we have only 13,000 active growers. I agree with the honourable Prime Minister that between 2013 and 2014, there has been an increase, and I also agree with him and appreciate the effort that the Government made, together with the FSC, to improve TCTS. A very fundamental issue with respect to the efficiency of the sugar industry.

Let me also remind the Honourable Prime Minister when he talked about the efficiency of the FSC which remains to be seen, because the Government pumped in \$220 million since 2009, and only about \$36 million in Government subsidies on fertilizer, cane planting and repair of cane access roads. So, you can understand where the focus was and he talks about how FSC has done very well under the Executive Chairman. and again, that is a governance issue. I think they need to get away with these Executive Chairman and get proper boards and people in the industry to look at that.

HON OPPOSITION MEMBERS.- True!

HON. A. SAYED-KHAIYUM.- They already have a board.

HON. DR. B.C. PRASAD.- Because FSC has not produced the Annual Reports for 2012, 2013 and 2014. They need to get on to their jobs and get us those reports.

The other point of course, Mr Deputy Speaker that the Honourable Prime Minister made, and I agree with him, I think a lot of what he said he has been saying it from November 2014 in his address at the 46th Session of the ISO Council and I think he was right, when he said that the prospect of losing the EU quota in 2017 is sobering. It is a sobering prospect for any developing nation, and indeed for Fiji where 200,000 people depend on the industry.

So, what I want to say, Mr Deputy Speaker, is that we need not just short-term tinkering of the plan but long-term. A long term plan, a four year plan, a four year minimum guaranteed price for the farmers, because the confidence of the farmers in the industry is a real issue. There are no labourers, farmers are moving out- those who - 70 per cent of the farmers earn a net income of less than or roughly about \$9000. All of them needed a special cane payment, and I beg to differ, Mr Deputy Speaker, with the Honourable Prime Minister.

These 70 per cent of farmers who have less than \$9000 net income per year deserve getting their own money, which would have been deducted in March, and I know people in Seaqqa told me that they are selling fertilizers to actually make up for the expenses. People are not even buying the fertilisers, so what I am saying, Mr. Deputy Speaker, while I appreciate the Prime Ministers' plan, I think...

HON. A. SAYED-KHAIYUM.- *Vinaka.*

HON. DR. B.C. PRASAD ... I will again invite him to appoint a joint parliamentary committee so that we can all put our heads together. We are willing to cooperate with the Government side because this is such an important industry that we all want to see grow.

HON. MEMBERS.- Hear, hear!

Thank you, Mr Deputy Speaker.

HON. DR. M. REDDY.- You want a Commission, we want output.

MR. DEPUTY SPEAKER.- Thank you honourable Members, it is now time for lunch break. I will now suspend the sitting, and when we resume at 2.30 this afternoon, the Madam Chair will be present to preside.

The Parliament adjourned at 12.15 p.m.

The Parliament resumed at 2.30 p.m.

MADAM SPEAKER.- We will continue with the agenda in the Order Paper and the next item is the debate on Bills.

DEBATE ON THE BOXING COMMISSION OF FIJI (AMENDMENT) BILL, 2015

MADAM SPEAKER.- Honourable Members, as agreed to by the House t on Monday 9th February, 2015, the Boxing Commission of Fiji (Amendment) Bill 2015 will be considered by Parliament without delay; the Bill will complete all stages today; the Bill will be debated and voted upon by Parliament today; the Bill will not be referred to a Standing Committee or other Committee of Parliament; and the Bill will be debated upon by Parliament but a two hour limit is given to each side of the House, with the Right of Reply given to the Attorney General as the Mover of the Motion.

I now ask the Attorney General to move the reading of the Bill.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, Madam Speaker, I move:

That the Boxing Commission of Fiji (Amendment) Bill, 2015 complete all stages be now read by Parliament and accordingly be passed. Thank you Madam Speaker.

MADAM SPEAKER - Thank you. Do you have a seconder?

HON. LT. COL. P. TIKODUADUA.- Madam Speaker, I beg to second the motion.

MADAM SPEAKER –Thank you. Attorney-General.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, I do not wish to make a long statement in terms of the introduction to open up the debate now. Suffice to say that this is highlighted earlier on in the introduction of the Bill on Monday that it's a fairly straight forward Bill. This will essentially facilitate the amateur boxing in Fiji through FASANOC, because that's a requirement of AIBA, and this essentially removes amateur boxing from the promulgation that is being amended through this Boxing Commission of Fiji (Amendment) Bill. Thank you Madam Speaker.

MADAM SPEAKER.- The Bill is now open for debate.

HON. RATU S. V. NANOVO.- Madam Speaker, I rise to make my contribution to the Bill in question that was presented to Parliament on Monday by the Honourable Attorney General.

Madam Speaker, in his address yesterday on Monday while introducing this Bill, the Attorney General passed this Bill of just a few pages and therefore, two days is enough time for this side to scrutinise this Bill.

Madam Speaker, this and any other Bill, whatever the number of pages maybe, it needs proper scrutinisation from both sides of the House.

The point is, Madam Speaker, the Bill introduced in the House should be taken seriously, be considered for its content, the benefit to those it will impact. The number of pages is not the issue in here.

HON. OPPOSITION MEMBERS.- Hear! Hear!

HON. RATU S. V. NANOVO.- The other comment I wish to make is that it appears from the enquiries over the limited time that we been given to scrutinise this Bill. that no real consultation on this Bill has taken place, much like the Land Bill No. 13.

On that Madam Speaker, we would like the honourable Minister to answer the following questions:

- i) Can he highlight in this Parliament by stating the dates, names of officials and a brief summary of consultation that he and his Ministry has undertaken with:
 - a) The IBA for instance, through conferral professional and amateur boxing in Fiji; and
 - b) the FASANOC who have some 39 sporting association under their umbrella.

Madam Speaker, if the honourable Minister did not consult either of the two organisations mentioned above, can he then tell us the names and dates of discussions he had about this Bill and the summary of those consultations? Otherwise, Madam Speaker, we could be looking at legislative changes to this organisation to either allow or encourage Government's interference, as we have seen with other organisations.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. RATU S.V. NANOVO.- I hope the honourable Minister is not starting with boxing, but he has messed up the TV and World Rugby.

HON. RATU I.D. TIKOCA.- Hear, hear!

HON. RATU S.V. NANOVO.- We must ensure that all sporting bodies and commercial entities remain independent of any, and all Government interference.

HON. LT. COL. L.B. TUTUBOU.- Madam Speaker, I must thank the honourable Member for his comments.

Madam Speaker, before the Bill was introduced in Parliament, it had followed some chronological correspondence on the request for amendment to the Boxing Commission of Fiji (Promulgation 2008). As requested by the honourable Member, consultations have been ongoing since 12th February, 2014. The second consultation was done on 3rd March, 2014, where a memorandum was discussed and consulted with the Office of the Solicitor-General, in response to our Ministry's request.

On 31st March, 2014; the Ministry responded to the Solicitor General's Office's queries on that correspondence and on 15th May, 2014, the Solicitor-General's Office corresponded with the draft decree. On 31st May, 2014, the Ministry replied to the minor insertion to the draft decree. It was carried forward. This was inculcated through discussions with FASANOC, the Ministry of Youth and Sports, as well as the Boxing Commission of Fiji. Therefore, Madam Speaker, consultations was conducted before this Bill was introduced in Parliament for debate.

HON. A.M. RADRODRO.- Madam Speaker, it is good to finally know that the honourable and learned Attorney-General is starting to comply with international requirements from his amendments and promulgations that he had decreed.

MADAM SPEAKER.- I request the honourable Member to refrain from directing his speech to the honourable Member but address the Chair instead.

HON. A.M. RADRODRO.- Madam Speaker, there are some concerns from this side of the Chamber. First, the Bill, as has been mentioned, is a functionary amendment. I seek clarification from the honourable Minister, what does a “functionary amendment” imply? Does it imply the whole officials of the organisation, or their processes, or is it financial?

My second request is, this is just one of the amendments regarding sporting organisations. We have just recently gone through one, which is the World Rugby. So, it would be advisable to the honourable and learned Attorney-General to bring these amendments all at once so we do not have to go through this two-page amendment regarding sporting organisations in this case, in particular, the Amateur Boxing International.

Madam Speaker, I agree that boxers need to participate at the Pacific Games, as has been highlighted but the concern here is, what has the organisation (formerly the Boxing Commission) achieved during this time? Now, with these changes, what will be achieved in terms of the participation of the Fiji boxers in the South Pacific Games?

HON. LT. COL. L.B. TUITUBOU.- Madam Speaker, I rise in support of the amendment Bill before Parliament, which serves to amend the Boxing Commission of Fiji, Promulgation 2008. Before I continue, first of all, I would like to take this opportunity to thank the staff of the Boxing Commission of Fiji, FASANOC, the Fiji Sports Council, the Fiji Sports Commission and the staff of Ministry of Youth and Sports for their hard work to continue to upholding and maintain the passion of sports and its continuation, both locally and internationally.

In 2008, the Government took the bold step to clean up the sport of professional boxing in Fiji and revived the Amateur Boxing as a sport. The Promulgation of the Boxing Commission Decree states that the Commission effectively took over the inactive Amateur Boxing and regulated Professional Boxing.

Madam Speaker, boxing is a very important sport in Fiji. However, negative factors have become so deeply embedded in the culture of boxing that suppressed the development and progress of sports:

- 1) An unregulated boxing environment without a central sanctioning body, resulted in uncontrolled local professional boxing programmes;
- 2) some professional bodies working against each other in a very small boxing market, resulted in boxers not registered to any association;
- 3) questionable sporting practices, especially in terms of health and safety support for amateur boxers; and
- 4) non-payment of taxes for boxers underpin the establishment of the Boxing Commission.

Madam Speaker, unethical and unprofessional practices also crept into boxing in Fiji. With issues such as underpayment, multiple contracts, sabotage, non-payment of purse, and non-declaration characterise the local boxing environment.

Madam Speaker, in its effort to revive Amateur Boxing or Boxing Commission of Fiji, it organised Saturday night fights and joined Sports Commission with outreach programmes in the rural arrears.

Madam Speaker, Boxing Commission, together with stakeholders including FASANOC, realised that for amateur boxers to proceed to international fights, Fiji needs to realign with the Association of International Boxing Amateur (AIBA) as the establishment of the Boxing Commission of Fiji. Through this promulgation, it is seen as an indirect breach of one of the international boxing association or the AIBA, when its membership pillars that is autonomous and independent administration of amateur boxing.

So, Madam Speaker, stakeholders in the boxing fraternity, including FASANOC, the Fiji Boxing Commission and the Fiji Sporting Commission are in agreement to repeal the amateur section of the promulgation, to allow our athletes to compete at international events, including the South Pacific Games.

Madam Speaker, amateur boxing in Fiji has been revived and well governed through the proposed changes and establishment of the new boxing body through FASANOC. Amateur Boxing in Fiji will continue with its membership with IBA, allowing the sport to develop in the region and international level as well.

Madam Speaker, I therefore, support the Bill before Parliament to repeal the amateur section of promulgation, to allow our athletes to compete in international and regional events, including the 2015 South Pacific Games.

HON. DR. B.C. PRASAD.- Madam Speaker, I rise to make my contribution on this Bill. I want to thank the honourable and learned Attorney-General for the Bill, and also the honourable Minister for Youth and Sports for raising this issue, because I know he made some comments in the newspapers in December. I know he has been involved in negotiations and discussions with FASANOC, and I would really like to support this Bill because it has come here with good intentions and it would allow our amateur boxers to participate in the games which is going to be held very soon.

However, Madam Speaker, let me also say that the problem arose because the boxing association was dissolved as the result of the Boxing Commission. Now, it raises some very, very important and fundamental issues with respect to Decrees. I have made this point before and I would like the Government to take this into consideration because we do not want to be embarrassed in future by international organisations, by countries who love Fiji, organisations that want Fiji to be part of the respectable international community to come back to us and say "hey, this Decree that you have in place, protected by section 173 of the Constitution, is not in line with the international norms, standards, laws". We do not want to be embarrassed again.

MADAM SPEAKER.- Honourable Member, you are anticipating what could have happened.

HON. DR. B.C. PRASAD.- Madam Speaker, this is my contribution to this Bill and in anticipation...

(Laughter)

MADAM SPEAKER.- It may not happen.

HON. DR. B.C. PRASAD.- ...what I am saying is that, I call upon the Government and indeed, I call upon the honourable Prime Minister to take some leadership on this.

(Laughter)

I know the Government side will laugh again, but to appoint a bipartisan committee, for us to look at all the Decrees that might not comply with international standards...

HON. OPPOSITION MEMBERS.- Hear, hear.

HON. DR. B.C. PRASAD.-... we will solve that problem.

Madam Speaker, that is my submission to Parliament and to the Government and as I said, I would like to support this Bill in the end.

HON. DR. N.P. SHARMA.- Madam Speaker, I rise to support this Bill, to amend the Boxing Commission of Fiji, Promulgation 2008. The rights of every Fijian to excel in every domain of life is paramount. Golfer Vijay Singh, King of Sevens Rugby, Waisale Serevi have raised aspirations to global heights. Sakaraia Ve, in the 1970s, and more recently, the late Joy Ali have taken boxing to international levels. However, full contact sport is not without medical risk. Apart from the bruises, the strains and the black eyes, concussions, intracranial haemorrhage, fractured skulls, disabilities and death can occur, if not adequately regulated. Premature Alzheimer's disease and Parkinson's disease - a long term complications of head trauma.

Cassius Clay, aka Muhammed Ali, of the "rumble in the jungle" and "the thriller in Manila", fame who floated like a butterfly and stung like a bee, whose hands could hit, which the eyes could not see, is a sad testimony to world class boxing history. However, the aspiration of boxing proponents cannot be withheld on this basis. Interested youths and young adults should be encouraged to reach their full sporting and professional heights. This Bill aims to adapt to this. This Bill to amend the Boxing Promulgation 2008 separates amateur boxing from its professional cadre. It provides much safer development of the sport with administrative autonomy. Training gear and supervisory personnel, greater international and regional participation possibilities, enabling the sport to grow and to develop further. It introduces essential medical opinions prior to and during the contest. Greater, safety and safety.

I will conclude with a quote from Muhammad Ali, he says and I quote:

"The fight is won or lost, far away from witnesses. Behind the lines in the gym, out on the road, long before I dance under those lights."

All preparative measures for a striking finish.

This is what this Bill aspires for.

Madam Speaker, I support this Bill, to amend the Boxing Commission of Fiji Promulgation 2008 before the Parliament affirmatively.

HON S. KARAVAKI.- Madam Speaker, I have one major reservation in this Bill. When I look through the explanatory notes, the background, I did not see anything that refers to the amendment that

is being sort under Section 2. Section 2, Madam Speaker, in the definition, I have a very big reservation because our women were not made to be punched or pounded in the ring.

(Laughter)

Madam Speaker, our women were made to be loved and protected, but you see in this definition, it also means amateur boxing and includes women professional boxing. It allows women to also be punched in the ring. It is enough for them to run on the rugby ground, to play Sevens, that to me really is not very serious but to be punched around in the ring, this is not what we are prepared to see. I think Government should look at this seriously and delete this. We are not yet at that point and we will never get there because of the nature on how we protect our women.

Madam Speaker, this is my biggest concern. It would be a very unusual thing to see, it is not natural. It is not accepted, to allow this and this Bill cannot be supported if it has to allow that to happen.

HON. M. VUNIWAQA.- Madam Speaker, I stand in support of the Bill before the House, not only as a Member of the House but also as a woman.

I am not a boxer but I speak for those women out there who want to get into the ring. They have the aspirations of becoming professional boxers. They have to start off at amateur level. There are many women out there who want to be boxers and it is our duty as a Government to give them that opportunity or to give them the choice. That is all I wish to say.

MADAM SPEAKER.- I guess women do not want to be punching bags all the time, we can throw punches as well.

(Laughter)

HON. I. DELANA.- Madam Speaker, I wish to rise and say a few words in support of the Bill before the House. The Fijian Government has always placed significant emphasis on the growth of our nation, whether it is from an economic perspective, social, health or from a political perspective. This Government will continue to recognise sports as a major vehicle for youth development in Fiji and we will continue to recognise its contribution to Fiji's economy, national unity and social inclusiveness.

Sports development, therefore, is one of the key platforms that is considered pivotal in our effort to lay a solid foundation for our young people. This Government recognises the impact sports has provided and the varieties of opportunities it offers to our young men and women like employment, sustainable livelihood and improvement of their passionate skills.

Sports has and will always be an effective agent for social change. It has a multiple effect on any nation or society. Sports is an extremely important part of people's lives. It provides a space for building social ties and for self-improvement. Sports also raises awareness about the abilities of our young people, that through sports they showcase their skills, sometimes it is only during sporting activities where young people get the chance to become part of their communities and develop self-belief.

As a national sportsman, I wish to say that Fiji must unite its effort to identify and develop opportunities that can optimise for the overall development of sports in Fiji. In the recent past, the honourable Minister for Youth and Sports visited rural youth clubs in the Western Division, Northern Division and the island of Kadavu. I wish to highlight that there is one common request from these places and that is to upgrade or the construction of their playground or sporting facilities. That justifies the fact that sports development is a real need as it is obviously a demand from the youths.

Madam Speaker, our country is a few weeks away from participating in the Pacific Games in Papua New Guinea. The Bill before this august House will augur well for our local amateur boxers to participate in Papua New Guinea. The bottom line here is the momentum and growth of sports in Fiji must be sustained. We must ensure that all sports is developed from the lowest level, talents are identified and pathways are provided with the necessary support to those that have potential to excel in any sport at all levels.

Madam Speaker, I therefore, support the Bill before the House.

HON. RATU K. KILIRAKI.- Madam Speaker, I stand to contribute to this debate on the Bill before the House. Personally, I would like to state that this Bill is a confirmation that the decision or the taking over of FASANOC in regards to the boxing fraternity under the Boxing Commission was a fault. In saying so, one would be able to know the progress of the sport itself, in regards to boxing since 2008 till now. It is now under the Commission, lacking in admission to all international representation in boxing and has created a lot of problems, especially for the young people who have aspirations to come into the sport of boxing.

As we were given a lecture by the former Minister of Health in regards to the risk, we know about the people of Fiji, they take up the sport because they love it and know all the damages as one needs a lot of preparation, good management, especially the regulations in place so that these damages are minimised. Going through sports, through amateur, especially in the international arena, opens up the door to professional boxing, earning an income for the livelihood of our people, especially the younger generation.

Just recently, it was highlighted in the *dailies* that four of our professional boxers who represented Fiji were all knocked out. That shows the deteriorating situation of the boxing fraternity under the Boxing Commission of Fiji which is why we are debating this Bill today. If the Bill, as presented, will help to uplift the standard of Fiji Boxing, not only to the South Pacific Games, as the reason for this Bill but at international level, so that Fiji as a boxing nation, should be represented well. Our reputation in the international arena, with the likes of Sakaraia Ve reaching the Commonwealth Games, as well as attempting all international championships that young Fijians are known for.

With that brief contribution, I thank you for the opportunity, Madam Speaker.

HON. F.S. KOYA.- Madam Speaker, I rise to speak in support of the Boxing Commission of Fiji (Amendment) Bill of 2015. Just on a lighter note, I see it is the first Bill of 2015 and there is rather a great deal of boxing that has gone on here since we started. Maybe, there is a message in there.

As explained earlier by the Minister and the Assistant Minister for Sports, the Amendment Bill is necessary and logical if the sport of boxing is to flourish in Fiji. This amendment, Madam Speaker, will simply separate amateur boxing from the Boxing Commission and professional boxing and allow it to form an entity on its own.

In 2012, Cabinet endorsed the Boxing Commission of Fiji, the Amateur Boxing of Fiji Regulations which established the Amateur Boxing Association of Fiji. This was an effort to give amateur boxing its own association to administer boxing in Fiji and the participation of amateur boxers in the region and internationally.

However, this was part of the Boxing Commission of Fiji Decree, hence the International Boxing Association did not see amateur boxing separate from professional boxing. This, therefore, is going to

affect Fiji's ability to participate in the Pacific Games, and also other international amateur events or even benefits from international exposure or trainings.

Madam Speaker, this separation will enable amateur boxes to participate and compete in the International Boxing Association sanctioned amateur boxing events, such as the Pacific Games, Commonwealth Games, Olympics, to name a few. Participating in these events is essential for our boxes to grow, gain exposure and excel. Without this separation, we are depriving our amateur boxers, curtailing their careers before it begins.

We are also preventing boxing to be the outlet and saviour to many of our youths, indeed some troubled, and to gain the discipline that invariably is part of this sport, to straighten out their lives and to embark on a career and have some sense of purpose.

Madam Speaker, being an accomplished sports person yourself, and having represented Fiji in the Pacific Games, you would be acutely aware of the positive impact sports can have on a young person. Indeed, Madam Speaker, boxing has had a big impact on me when I was young and impressionable, and for that, I think some of you may remember him, the great Francis Byrne, a phenomenal boxing trainer. This piece of knowledge were not known to many, and I thank the honourable Member on the other side who has made it known, and maybe public.

Madam Speaker, our young and aspiring boxers need a fair go. They need to be given support and encouragement, and this Bill is merely a start. Like any other sports, boxing requires development from grassroots level, a lot of patience, guidance and mentoring. Through the creation of their own amateur platform, we are allowing these Fijian boxers to dare to dream to become professional boxers.

Madam Speaker, we do not have to look far, but rather at our own Assistant Minister for Sports, the honourable Delana, who has left an indelible mark for Fiji in achieving the pinnacle, a gold medal in the Paralympics in 2012.

HON. GOVT. MEMBERS.- Hear, hear!

HON. F.S. KOYA.- He has become a national treasure and contributed immensely to the "brand Fiji". Imagine, Madam Speaker, more Fijians have been made champions through the sport of boxing.

Madam Speaker, amateur boxing is the foundation for the developing of raw talents and skills, which in Fiji, we have abundance of, and thus giving aspiring boxers an avenue for exposure and recognition at an initial stage, where a natural transition and opportunity is created to progress to the professional level.

As I have stated before, amateur boxing is a great outlet for the younger generation and helps to instil values of discipline and hard work. Amateur boxing is safe, despite what others may seem to believe, it builds self-esteem, develops a respect for rules and fair competition, discipline, team work, effective communication, goal setting and of all, self-control.

Madam Speaker, by amending the Boxing Commission of Fiji Decree, we are giving amateur boxing its own recognition and its own specialised rules, and with it, its specialised equipment, facilities and its own set-up, separate to professional boxing.

The Fijian Government aims to offer programmes for training, coaching and competitive opportunities in amateur boxing at the club level, or within the local community, and take sports to

everyone, regardless of age, ability, social status, disability, sex or religion. Fijian amateur boxers will be able to get exposure by participating in regional and international events, opportunities for training locally and overseas, and make a career in professional boxing after going through the preparatory stages of amateur.

Madam Speaker, as I have outlined above, amateur boxing that will provide an avenue for young Fijians to excel in a sport with the right discipline. If we can have an Iliesa Delana and a Vijay Singh, then why not a true champion boxer.

Madam Speaker, we cannot let a minor technical issue stop Fiji from actively participating and of course, winning gold medals in amateur boxing, a feat which we are capable of and especially in the South Pacific Games, the Olympics or the Commonwealth Games.

Madam Speaker, I again thank you for allowing me this opportunity to speak on a sport that is very close to my heart, and I personally believe it is one of the avenues to develop discipline and self-respect in young Fijians.

Madam Speaker, I strongly support the Boxing Commission of Fiji (Amendment) Bill, 2015.

HON. V.R. GAVOKA.- Madam Speaker, I also wish to contribute to the debate on boxing, especially this Bill. I belong to a generation who saw some greats in Fiji, and I wish those days would come back. There has been downhill for quite some time and while the Bill is laudable, I just want to make sure that the people of Fiji know that this Bill will give us that international sanction, or recognition that we are striving for.

I say this, Madam Speaker, because our record with international bodies is not a happy one. I was Chairman of the Fiji Rugby Union and in 2011, I deeply felt Government was intervening into FRU and they had to come down a few times to have meetings. Also, people from Dublin had to come down a few times to have meetings here with the government and the Board that I chaired about the implications of what government was doing at that time in their belief that they were helping rugby.

We all knew what happened – the 2011 World Cup was a disaster and I am just cautioning us to make sure that this Bill is in line with the thinking of the International Body that Boxing reports to, because you do not have a happy record with these people.

Madam Speaker, my experience at the time with IRB was that, they were not comfortable with Fiji because of the many Decrees in this country. As we go forward, Madam Speaker, with more Bills like this, let us also remove the Decrees that are inhibiting or prohibiting proper dialogue, proper management of sports and allowing organisations to do their own. If that has been covered, the internal body would say “yes, it can do this”,

I support this Bill, but from my experience, I have doubts and we need to be very careful that this is so or otherwise, we will not be allowed to compete in regional or international tournaments and if that is done, I support it, but I caution these people, the Parliament and the Government to ensure the world body agrees with this.

HON. L. EDEN.- Madam Speaker, I rise in support of the Boxing Commission of Fiji (Amendment) Bill, 2015.

Madam Speaker, in response to the honourable Member's comments regarding women boxers, I think he is somewhat misguided. It is just a sport, it is not a duel to the death. It is a sport where woman box woman, in a controlled arena, with similar weights and sizes, and similar strength punches. It is not where man box woman, which would be totally unacceptable.

Madam Speaker, I speak this afternoon from experiences as a mother and an aunt of medal winning Fijian athletes who have represented Fiji at several games including the Pacific Games and the Commonwealth Games. Madam Speaker, I know first-hand how very hard every athlete trains and commits him or her to their chosen sport.

Madam Speaker, I chose swimming, but boxing is no different, the principles remain the same. The commitment, the extreme and rigorous training involved in competitive sport is the same across the board and to be told after years of sacrificing so much of your life that you would not be able to attend an international event, one that you could possibly bring home a medal or medals to a country you love and are proud to represent, would be like a stab in the heart of any athlete.

Athletes, Madam Speaker, that have absolutely nothing to do with politics and certainly would not understand or accept that due to some minor political technicalities, they are being robbed of their chance, their shot at representing Fiji on the international scene. For boxers, Madam Speaker, that would be an unwarranted TKO (takeover).

Madam Speaker, I strongly support the amendment of this Bill and look forward to seeing our Fiji boxers join their fellow athletes at the 2015 Pacific Games in Port Moresby, this July.

HON. S.B. VUNIVALU.- Madam Speaker, it is an honour for me to rise and to participate on this particular Bill, to amend the Boxing Commission of Fiji Promulgation 2008. Much has been said about Amateur Boxing from both sides of the House, who have covered most of the issues that I also wanted to raise.

However, Madam Speaker, I would like to mention in this august House that I used to take part in amateur boxing during my young days with the Fiji Police Amateur Boxing Club. Unfortunately, I was stopped by one of my relatives, the late Mr. Rupeni Ravonu, who asked me to take part in rugby. He advised me that I could represent the country if I played rugby. If I wanted to take part in boxing, I should be in professional boxing where I will be paid.

In amateur boxing, Madam Speaker, they are not being paid till today. The problem for Amateur boxing is that the boxers have to look for their own money. I therefore, recommend to this august House that we should make a lottery, like what the Fiji Rugby Union did a few years ago. When the lottery was done, I bought about \$500 worth of tickets, but I do not know who won the lottery. We should do that, to help the Amateur Boxers go to the South Pacific Games. We should all participate in this lottery.

There is a problem in the Amateur Boxing, and maybe we should change its rules and regulations. At times, a 30 or 35 year old fights a 16 year old, as long as they qualify for the same weight category. This is one of the issues that I would like to raise in this august House, that a child will always be a child. If a 30 year old man landed a kidney punch to a 16, 17 or 18 year old, they still can call their mother.

(Laughter)

They can say in the ring, "*Oilei, Nana!*"

(Laughter)

The meaning of the word 'amateur' says, 'learning a new sports and try to know the arts and skills'. That is why we have to learn to achieve what is required, as already mentioned by honourable Members of this august House.

Madam Speaker, there is a tendency in our country, that we ought to bring street fighters whom we see fighting in the streets, and make them box in the amateur code. This should be stopped. However, unfortunately, these are the boxers who often knock-out in the first round because they never learn the sport, they do not have the arts and skills.

(Laughter)

Amateur boxing is also called, 'Olympic Boxing'. In America, it is called "Pan American Boxing". There are venues like the Commonwealth Games, South Pacific Games and also in our country.

Madam Speaker, amateur boxing is short in duration, where fighters wear head protectors and this type of competition pose point-scoring blows based on a number of clean punches landed rather than physical power. For the women, they can fight, but they have to punch the head. For the men, there is no low-blow, as they can be disqualified. The problem here is that, if a fighter has scored good points and the other fighter lends a kidney punch on the last second of the third round and the fight knocks out then he loses the bout. A bout comprises three rounds of three minutes for men, and four rounds of two minutes for women, each with one minute of interval between rounds.

In January, 2009, Men's Senior Bout changed format from two-minute rounds to three-minute rounds. Competitors wore protective headgears and gloves. The problem in Fiji, amateur boxers only wear head guards when they enter the rings. We should help all boxing clubs in Fiji by providing them with boxing head guards, gloves, and the punching bags.

The rules say, a punch connect with a knuckle portion of the gloves landed on the head is awarded a point. The referee monitors the fight to ensure that only legal blows are thrown. In some cases, some boxers throw low punches or low blows, and are disqualified. The referee will stop the bout when a boxer is seriously injured, or under the recommendation of a ring boxer. The worst scenario in our country, from my experience is when the referee stops the fight and says there is no contest. This shows that the other fighter cannot defend himself or sometime they are being knocked out where the referee will count for 10 seconds and count him out.

Computer was introduced in Olympic boxing in 1992, so in our country, the trainers should teach the boxers on how to lend scoring blow. The Ministry should help the boxers in providing rules and regulations, both in amateur and professional boxing. I recommend, Madam Speaker, that boxing should start at school because most in the world have turned millionaires from boxing. But the only problem is that, some of them get affected by shaking or cannot control their walk, and their talk. Well, that is in the later stages. In the US, they are called Low Vice Boxing and when they are matured enough to compete, then they move to amateur code. No wonder the US are producing good boxers around the globe, because their Amateur Boxing Association is well organised.

Madam Speaker, in order to improve boxing in Fiji, this is to be discussed with some former boxers and trainers. We also can include the promoters, but some promoters never fought, but are only there to look for sponsors and arrange boxers to fight, to fill their pockets.

(Laughter)

Madam Speaker, with that brief contribution. I support the Bill before the House.

Lastly, Madam Speaker, allow me to speak briefly on the flag because when I went for lunch, I saw two flags hanging on the windows.

MADAM SPEAKER.- Honourable Member, I will not allow you to deviate from the subject matter. Thank you.

HON. S.B. VUNIVALU.- I suggest if SODELPA is so worried about the flag, they can take it and use as the flag of the *Matanituvanua* that they have been trying very hard to form. The Fijian people will remember them for leading the *iTaukei* back to the 1870s.

HON. P. SINGH.- Madam Speaker, I rise to contribute to this Bill and on the outset let me just say that the NFP supports this amendment and it also supports women to participate in any sport, not only in boxing. That is the legacy we have carried for the last 50 years.

(Chorus of interjections)

Madam Speaker, whilst it is a two-page Bill, this has many implications. One, it divorces Amateur Boxing from that of the Professional Boxing. For most of us who like this sport and who have been associated with this sport for many years, we have some great names who have come out of the amateur rank. The professional boxing as the feeders are the amateur group. So whilst we are addressing this for our amateurs to participate in the South Pacific Games and other international matches, we must be mindful of the fact that we should not forget the commercial aspect of it - the professional boxing.

In 2008 when this Bill was promulgated, the Bill referred to as, we are regulating the boxing bodies. Yes, we regulate but we do not control them, see that is the difference. But asking international governments to adhere to our rules, what we have missed out on is our participation in most of the events. So it is a timely reminder that most of our Bills, which are not in accordance with the international laws be amended this way. I thank and commend the Government for taking this initiative. We support this Bill. These are the kinds of Acts which NFP will always support and I hope it extends to the other areas as well.

Madam Speaker, the bar that was set for professional boxing was too high where local promoters could not match. This is why you see that in 2014 we did not have a professional boxing competition. Most of the boxers who trained very hard with limited resources just lost their love for the sport. This is some of the areas that we highlight and ask the Ministry to look into. I am sure they have very capable officers out there who can come up with a holistic approach to this sport. A very loveable sport which I am sure our young people will participate in, in greater heights.

HON. A. SAYED-KHAIYUM.- Thank you Madam Speaker, it gives me much pleasure to now have the final say on this Bill that has been proposed Madam Speaker as highlighted by all the speakers on both sides.

Essentially this Bill is to take out Amateur Boxing from the existing law and take it out of it so it falls within AIBA and Amateur Boxing will be channelled through FASANOC.

Madam Speaker, just a few comments in respect to some of the statements that have been made, as highlighted by the Minister for Youth and Sports, consultations obviously had been carried out with the respective bodies.

Madam Speaker, also when the honourable Karavaki was speaking, I was wondering whether the Women's Rights Movement and Women's Crises Centre where people were watching in their offices, I was, that's obviously his opinion, that's fine. I was just a bit concerned that he was calling honourable Members - Minister Vuniwaqa and honourable Member Eden, hypocrites because they were supporting women's boxing but because they weren't themselves, he was calling them hypocrites.

That means he is a hypocrite too, Madam Speaker, because he is not boxing professionally, he is not boxing himself. Just because you support a person's right to box does not mean that you have to box yourself. That is the point, Madam Speaker. and what this does, this amendment it essentially separates Amateur Boxing from Professional Boxing and really Madam Speaker as far as the Decree is concerned, all laws in Fiji -if you look at the history of all laws in Fiji-whether it was passed by Parliament in the 1970s right up to 87, whether they were Decrees for 5 years made between 87 and 1992 including the VAT Decree, that has been amended subsequently as it needed improvements.

So this is a similar position with this particular promulgation that was made a few years ago. I can say the number of Decrees, Madam Speaker, that have been internationally applauded. The HIV Decree, the Domestic Violence Decree, the amendments to the Crimes Decree, a number of Decrees but the point is, Madam Speaker, that this specific amendment, this Act of Parliament, the first one for this year seeks to simply remove Amateur Boxing out of the existing law to ensure that our amateur boxers fall within the ambit of AIBA and this is where the reputation, as has been highlighted by the other side whether we are getting international reputation with international bodies, yes, we are. This is precisely the reason why this amendment has been put to the floor. So Madam Speaker, as we've said, it's rather a functionary amendment to the Decree and I now have much pleasure in asking if you could put this to the vote. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you Honourable Attorney-General. Yes I will definitely put this to the vote however does any Member oppose that the Boxing Commission of Fiji (Amendment) Bill, 2015 read by Parliament as tabled? Does anyone oppose?

HON. OPPOSITION MEMBERS.- Yes.

Question put.

Votes Cast:

Ayes	:	32
Noes	:	8
Not Voted	:	9
Abstain	:	1

Motion agreed to.

Bill reported without amendment, read a third time and passed (Act No. of 2015)

MADAM SPEAKER.- Honourable Members, we will now adjourn for refreshments.

The Parliament adjourned at 3.35 p.m.

The Parliament resumed at 4.05 p.m.

DEBATE ON THE REPUBLIC OF FIJI MILITARY FORCES (AMENDMENT) BILL, 2015

MADAM SPEAKER.- Honourable Members as agreed by the House on Monday 9th February 2015, Republic of Fiji Military Forces (Amendment) Bill 2015 be considered by Parliament without delay. The Bill will be debated and voted upon by Parliament today. The Bill will not be referred to a Standing Committee or other committee of Parliament. The Bill will be debated upon by Parliament but at a two hour time limit is given to each side of the House with a right of reply given to the Attorney-General as the mover of the motion. I know ask the Attorney-General to move the reading of the Bill.

HON. A. SAYED-KHAIYUM. – Thank you Madam Speaker, I move that:

The Republic of Fiji Military Forces (Amendment) Bill, 2015 complete all stages, be now read by Parliament and passed accordingly. Thank you Madam Speaker.

MADAM SPEAKER.- Is there a seconder?

HON. LT. COL. P. TIKODUADUA. – Madam Speaker, I beg to second the motion.

MADAM SPEAKER.- Thank you. Honourable Attorney-General.

HON. A. SAYED-KHAIYUM. – Thank you Madam Speaker, suffice to say as been highlighted when this Bill was introduced on Monday, again it's in fact shorter than the Bill we've just approved by Parliament for the first one for 2015, where this Bill seeks to remove the provision of a death penalty within the RFMF Act.

Madam Speaker, again suffice to say that it brings the RFMF Act in compliance with Section 8 of our Constitution, and also it brings us in alignment with many of the international best practices regarding the removal of death penalty from domestic laws. Thank you Madam Speaker.

MADAM SPEAKER.- The Bill is now open for debate. Thank you, you have the floor Honourable Member.

HON. M.D. BULITAVU. – Madam Speaker, I rise to make my contribution to the Bill to amend the Republic of Fiji Military Forces Act (Cap. 81). Technically, there is nothing wrong with the current penalties that is there. According to the current Republic of Fiji Military Forces Act (Cap. 81) Section 33(2)(d):

“Any soldier, which is being sentenced by the Court Martial for more than two years, automatically his referred back to the confirmer that's the Governor General, and the Governor General being the President and also the Commander-in-Chief of the Military Forces will then decide on the sentence, whether it's too severe and whether the punishment must be in line with the line of punishment that any other court, civilian court, can also deliver.”

That mirrors Section 107 (1) of the Army Act of 1951 of the UK. But to my understanding, the problem has been for acts that are committed in the RFMF, for attempts to overthrow the Commander of the RFMF, in those cases my contribution today, I think although there are concerns by the United Nations and the Human Rights Council to abolish death penalty as a contribution in the Working

Committee by Namibia and other States in Geneva last year, but technically speaking, that is also a subject to the powers of the Head of State.

And within our new Constitution, I think there's provisions concerning the Constitutional Reform or Commission to set up a Prerogative of Mercy Commission that also may allow even convicts to appeal for their sentences. There are enough provisions there, Madam Speaker, technically that doesn't necessitate for death penalty to be executed in Fiji and there has not been any case in Fiji where a particular soldier has been subject to death penalty. There has been cases where few military officers are currently serving life sentences but my contribution will be, if this particular Bill may also consider amending areas in the Bill, in the current Act that will allow whether there could be a punishment also for members of the Republic of the Military Forces in overthrowing a Civilian Government. That could be, it's just a point of consideration that could be considered by the other side of the House.

The second thing, the current Act can also allow soldiers who are currently being convicted to have a passage for them to be allowed a parole. I will support the Bill if the Bill says "to substitute a death penalty and reduce a life sentence with parole after serving 12 years in prison". That is my contribution, Madam Speaker.

HON. J. DULAKIVERATA. - Madam Speaker, I rise to make my contribution to Bill No. 2/2005 that is before the House. Madam Speaker, the length of the Bill that is alluded by the Honourable Attorney-General doesn't make the issue very light. We are talking about serious issue here, Madam Speaker. Madam Speaker, comments have been heard in this House that we should not amend the Act so as to deter persons from carrying out another *coup*. I understand Madam Speaker that this will be in contravention of Section 8 of the Constitution. But the fact is, it highlights the sentiments shared by most people in this country that there must be a deterrent to carrying out *coups* in the future.

If the death penalty, Madam Speaker, is removed, then it must be substituted by another legislation that is just as harsh as the death penalty. Perhaps the proposed amendments to Section 23, sub-section 2 part (d) is not enough to be substituted with life imprisonment. I think Madam Speaker we should add to that and say that should be sent to life imprisonment without parole and fined \$1 million. That will really deter people from carrying out *coup* in the future.

Madam Speaker, we should, as law makers of this country find a solution to end the *coup* culture. This Government cannot guarantee this nation that there will be no more *coup*. Madam Speaker, we have been all victims of the *coup*.

HON. GOVT. MEMBER. – We are not talking about the *coup*.

HON. J. DULAKIVERATA. – I am talking about the military that carries out the *coup* in this country. Listen and learn!

(Laughter)

The people of this nation have suffered enough from all the *coups* that have taken place in Fiji since 1987. People have lost their jobs, rounded up and taken to the military camp, tortured, abused and some even met their fates. The worst period, Madam Speaker, in Fiji's history is 2006 to 2014.

HON. OPPOSITION MEMBERS. – Hear, hear!

HON. J. DULAKIVERATA. – After all the suffering, after all the suffering Madam Speaker this Government sees fit to change Fiji's flag. Madam Speaker, change for what?

HON. GOVT. MEMBER. – A change for the better.

HON. J. DULAKIVERATA. – Madam Speaker, flags are about tradition and nationhood. Flags represent the story

MADAM SPEAKER.- Honourable Dulakiverata

HON. J. DULAKIVERATA. that unite diverse people into one country.

MADAM SPEAKER. – Honourable Member, can you please restrict your comment to the Bill - the subject at hand.

HON. J. DULAKIVERATA. – Thank you Madam Speaker. Madam Speaker, it was also echoed in this House that people are still fearful of the military.

I would like to commend that Minister for Immigration, National Security and Defence that there is an initiative being taken to reform the police and the military. I think we should go further than that that is not enough. I think we should go along with what the honourable Gavoka had said, that after that they should go out to the country and tell the people what the reform had all been about.

Madam Speaker, it reminds me of the good old days when soldiers go on route march at four o'clock in the morning, people would jump out of their beds, old and the young, come out to the road and cheer them on.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. J. DULAKIVERATA.- Now, it is the opposite. When people hear the rumbling of boots on the streets, they peep from their bedroom windows, to find out whether someone will be taken up to the camp or there is another *coup* coming.

Madam Speaker, in those days the military was our friend and we were fearful of the Police. Now, it is the other way round. It is unfortunate that the military, who is supposed to be looking after us, is no longer our friend.

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. RATU I. KUBUABOLA.- Speak for yourself!

HON. J. DULAKIVERATA.- Madam Speaker, the Prime Minister was boastful that because of his *coup*, we are here. I think Madam Speaker he was speaking for himself.

HON. RATU I.D. TIKOCA.- Very very true!

HON. J. DULAKIVERATA.- The *coup* had ruined a lot of people's lives. It only promotes nepotism, favouritism, cronyism, transparency and accountability....

MADAM SPEAKER.- Point of Order please

HON. REAR ADMIRAL (RET'D) J.V. BAINIMARAMA.- Watch out! Look around you when you use those terms!

HON. LT. COL. P. TIKODUADUA.- I think Madam Speaker, the Honourable Member despite the exciting nature of the lies that he is saying, as has been, you know, been warned a few times to stay relevant, .

HON. RATU N.T. LALABALAVU.- What order!

HON. LT. COL. P. TIKODUADUA.- I think the Honourable Member is making targeted comments which is in contravention of the Standing Orders .. and stay relevant to the debate.

MADAM SPEAKER.- Thank you. The Honourable Member, please refrain from directing your comments to a particular Member of the Parliament but direct them to me, I will take it. Thank you.

HON. J. DULAKIVERATA.- Madam Speaker, I was only referring to facts, the facts were already in the *Hansard Report*. That's what I'm referring to Madam Speaker. transparency and accountability are only lip service. We only have to see the composition of committees and boards

HON. A. SAYED-KHAIYUM.- Madam Speaker Point of order. Madam Speaker, these two hours has been set aside to debate the amendment to the RFMF Act, not about boards and committees, not about transparency. The Honourable Member can speak for one hour if he wants on the Amendment Bill. That is the point of order, Madam Speaker.

MADAM SPEAKER.- Thank you. point of order is taken. Please, focus on the Bill at hand. on the subject matter. You are really deviating, slowly moving far away from the Bill.

HON. J. DULAKIVERATA.- Madam Speaker, the Bill refers to the amendment of the Military Act, to take away the death penalty because. We are, you know, we talking about here the military, the effects of the death penalty. the Death penalty is for who? The death penalty is for people who try to overtake the government or the military?

HON. A. SAYED-KHAIYUM.- No, it's not!

HON. J. DULAKIVERATA.- Or for anyone who is taken to the court martial.

HON. A. SAYED-KHAIYUM.- No, that's not true!

HON. V. GAVOKA.- Just listen! He will get to it.

HON. A. SAYED-KHAIYUM.- Long time coming.

HON. J. DULAKIVERATA.- Anyway, Madam Speaker, Sam Speight -George Speight is still sitting in prison for carrying out the 200 *coup*. Here we have people who carried out the *coup* in 2006 still sitting around here.

MADAM SPEAKER.- You are again deviating from the subject matter. Please focus on the Bill at hand.

HON. J. DULAKIVERATA.- Madam Speaker, I see the proposed amendment to the Bill is inadequate. As I had mentioned, it should be extended to life imprisonment without parole and a \$1 million fine.

HON. N. NAWAIKULA.- Madam Speaker, I will raise a point of order first in relation to the rules for the debate. I do not expect a ruling from you. You can seek advice on this and come back and advise us tomorrow.

Madam Speaker, I have seen that all the Bills that have been presented and tabled by the Attorney-General. I know that he is a star on that side but by convention, I understand it, that every Bill that is to be amended, had to be consented by the Minister concerned. So, the Minister responsible tables the Bill, he/she speaks on the Bill and that allows us to listen to him/her so that we can answer. He presents the Bill, elaborates on the Bill, then a Member from the Opposition side replies and it goes vice versa until he has the Right of Reply. That is my understanding and I wish for a ruling in relation to that. Like I said, Madam Speaker, you can look into that and give us direction in relation to that, later on.

MADAM SPEAKER.- Honourable Member, I will give my ruling now.

The Bill has legal implications and the Attorney General is the Minister for Justice, the reason he presented and tabled the Bill.

HON. N. NAWAIKULA.- Madam Speaker, we just had one which was done by the honourable Minister for Youth and Sports. They all have legal implications because the drafting is prepared by the Attorney-General. We accept that.

HON. RATU I.D. TIKOCA.- That's the problem!

HON. N. NAWAIKULA.- It is just in the presentation. Like I said, Madam Speaker, we will seek direction on that later on.

My contribution to the amendment that is at hand, Madam Speaker, I do not see this as a necessity. I fail to see the reason for this amendment that is being sought. I see it as a contradiction in terms of what the Government promises and what it delivers, in the same way that it has promised to deliver milk at the beginning of the term and it has failed to deliver that. In the same way that it has promised free water but the free water is still being processed. In the same way that it promised equal citizenry to be guaranteed by the Constitution and he takes it away by adding the provision for immunity. There is no equal citizenship in the Constitution, not until you take away the immunity provision because it means that we are not equal. There are some people who are more equal than others under the law.

HON. J. DULAKIVERATA.- Hear, hear!

HON. N. NAWAIKULA.- That is the same here, Madam Speaker. The Government is on record as saying that it wants to end *coups*. The purpose of this is to remove the death penalty. How do you expect to have a deterrent to stop another officer from standing up to conduct a *coup* if you take away the death penalty? That is the reason why the death penalty was there. I know that there is a reason why it is there.

The honourable Prime Minister went on record yesterday to say that he conducted the *coup*. I do not know, maybe this is in preparation for him. However, my point is, in relation to this, it does not stand to support what the Government stands for in ending all *coups*. You need this to be stopped, and for that, you must have it. It is essential to have a death penalty for deterrence so that it does not happen again.

The next point, Madam Speaker, the Explanatory Notes states that this amendment, which is the removal of these powers from the tribunal to impose the death penalty is necessary because of Section 8 which is 1.2 on the Explanatory Note. Section 8 of the Constitution of Fiji states that “Every person has the right to life, and a person must not be arbitrarily deprived of life.”

This amendment says that this is the reason, but we must understand that the right to life does not come without any condition. The right to life comes with a condition that each individual must respect the rights and the human rights of the other people. You cannot expect this kind of amendment to give your licence to go down the streets and kill eight people, and to be expected not to be given the death penalty.

So it is wrong and we know as well that the Human Rights Convention came about in 1945, and not every country that have adopted the Bill of Rights in their Constitution have taken away the death penalty. It is because that you must address each individual States for each own circumstances. Even in the United States of America, many of those States still maintain the death penalty because it is necessary. It is necessary to defer, it is necessary to stop anymore *coup* and for that, you must have the death penalty to stop anyone, who wants to stand up to conduct a *coup*, to think twice about it.

So, it is wrong to say that this is consistent with Section 8 of the Constitution, because the right to life does not come without condition. That is an important caveat, in that every person must respect the others. That is why we have our criminal laws because of this and if you break that condition, you should not expect to deserve life.

Madam Speaker, the other point that has been raised as part, or as a reason for this amendment comes at the last paragraph, which says and I quote:

“Additionally, the amendment to the RFMF Act will also act to fulfil our commitment to the United Nations Human Rights Council made at the last reporting cycle of 2014 in Geneva, to remove all references from death sentence in Fiji’s laws”.

My question, is this priority relationship? There are other important recommendations there, that we should address our mind to, like the review of the Constitution, the removal of the Media Decree, as opposed to this. So, I ask myself, what is the reason as to why this has come up as a priority? For who; and as I have said, I suggest it is self-serving, it is to assist those who might stand trial sooner, or later.

HON. OPPOSITION MEMBERS.- Hear, hear.

HON. N. NAWAIKULA.- Finally, Madam Speaker, if you look at the logic of this, you must look at it in perspective. There are others, who have gone through the rigmarole and are now serving sentence. If you make a law, it should apply equally to us, as well as to those that are now serving sentence. It must apply to those as well.

With those, Madam Speaker, I end my contribution to this debate.

SUSPENSION OF STANDING ORDERS

HON. LT. COL. P. TIKODUADUA.- Madam Speaker, I beg to move:

That Parliament suspends so much of Standing Order 23, so as to allow this Chamber to sit beyond 4.30 p.m., to complete its business for today.

HON. CDR S.T. KOROILAVESAU.- Madam Speaker, I beg to second the motion.

Question put.

Motion agreed to.

REPUBLIC OF FIJI MILITARY FORCES (AMENDMENT) BILL, 2015

HON. CAPT. T.L. NATUVA.- Madam Speaker, I rise to support the amendments to the current RFMF Act that all references to “death sentence”, as respectfully submitted by the honourable and learned Attorney-General. We are now living in the 21st Century and there is no room for capital punishment, particularly in a democratically functional society that practices law and order bound by the Rule of Law. Madam Speaker, looking back at our history and the number so far that had been executed here in Fiji; there have been none since Independence in 1970.

I also make references to our immediate Pacific neighbours, Australia and New Zealand. They too abolished the death penalty in the 1980s. As our closest reference points, I too am of the same view that the death sentence should be abolished here in Fiji. Our RFMF Act, which is an offshoot of UK Army Act 1955, does not reflect the changes introduced by the UK Defence Act 2006, which abolishes the death penalty.

Our respected Opposition does not share the same assessment as was pointed out by the honourable Draunidalo, she says and I quote:

“... that we should not rush these things; ... these varies, one-paged as it is, a lot of deep history and philosophy is behind this Bill which should not be rushed”.

Madam Speaker, I must take a contrary view. If I may add a more detailed perspective of the amendment Bill 2015 with the following:

- 1) The United Nations Human Rights Committee consistently holds that if Article 14 (fair trial) of the International Covenant on Civil and Political Rights (ICCPR) is violated during a capital trial, then Article 6 (right to life) of the ICCPR is breached.
- 2) Article 6(1) of the ICCPR states and I quote:
 - a) “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life”.#
 - b) This is consistent with Section 8 of our Constitution.
- 3) Article 6(2) of the ICCPR provides that in countries which have not abolished the death penalty, the sentence of death may be imposed only for the most serious crimes, in accordance with the law in force at the time of the commission of the offence and not contrary to the present Covenant. This penalty can only be carried out, pursuant to a final judgment rendered by a competent court.
- 4) Our commitment given to the UN Human Rights Commission (UNHRC) in 2014 is a direct reflection of Article 6 of the ICCPR and our Constitution.

- 5) The Death Penalty is an archaic way of dealing with offenders. Fiji's laws have evolved tremendously and we have a credible heresy of courts to deal with heinous crimes. You cannot teach people that killing is wrong by executing an offender.

Do we, as a modern law abiding nation and Government, want to be seen as encouraging such punishment? No. We believe in the rehabilitation and bringing out remorse in offenders. Why not look at restorative justice? An eye for an eye is not the norm of any 21st Century civil society anymore.

Madam Speaker, we also have a duty to prevent innocent people from paying the ultimate price for miscarriage of justice, and it is only prudent to exclude the death penalty from our laws. Most importantly, our laws must be consistent across the board. We have amended our Crimes Decree to reflect this. The RFMF Act Cap. 81 is the only Act that still makes reference to death sentence. It is prudent therefore, for the sake of consistency, to bridge any gaps in our laws.

Madam Speaker, in conclusion, miscarriage of justice do unavoidably occur, and no system can fully eradicate the execution of the innocent. Even in a world where criminal justice is free of error, it is impossible to enforce the death penalty without it being cruel and inhumane, affiliated to torture.

Sections 23, 31(4) and 38 of the RFMF Act, Cap. 81 must be amended, for the very reason that it is inconsistent with our constitutional provision for the "Right to Life". With these amendments, we uphold the commitment to UNHRC and avoid any breaches of Articles 6 and 14 of the ICCPR.

A reflection of the penalty at the most extreme, in my opinion and as suggested should be "Life Imprisonment" and maybe without parole. However, decisions and suggestions on this is welcomed. Above all, procedural fairness must be observed, including the right to a fair hearing by an independent court, the presumption of innocence, the minimum guarantees for the defence, and the right to review the higher Court.

Lastly, Madam Speaker, the provision of our Constitution require us as Minister to uphold and maintain the Constitution of the Republic of Fiji 2013, and all other laws of Fiji. It also encourages us as Ministers to contribute to the shaping of consistent laws and to uphold the Rule of Law. It is our duty to assist in amending laws that are inconsistent with our Constitutional provisions.

Therefore, I support the amendments of the same, and submit that the Bill No. 2 of 2015 be adopted into the current RFMF Act.

HON. ROKO T.T.S. DRAUNIDALO.- Madam Speaker, I wish to say at the outset, in relation to this Bill, that the National Federation Party categorically do not support the death penalty as a matter of principle. However, this amendment has special considerations, which we need to turn our mind to here in this Parliament. At this juncture, I refer to comments that were made in Parliament yesterday about my apparent obsession with the Republic of Fiji Military Forces.

Madam Speaker, my humble opinion is, every Member of this Parliament should be obsessed with that institution. It is a State-funded institution that has taken hundreds of millions of dollars away from hospitals and schools in this country, and through its *coup* culture, taken away billions. We have all suffered (the other side and also this side of Parliament) through this culture, which we are trying to eradicate. This is why we say that we must be obsessed with that institution, and we must do everything in our power to ensure that what has happened before does not happen again and our learned colleagues on the other side will be prime beneficiaries of this, as they have been elected to power. We are not making personal references and they should not have any sensitivities on this issue because we have

had General Elections which have apparently established their legality. This is for the future, Madam Speaker.

The death penalty, like other penalties in the criminal law system tend to mostly serve two purposes. One is to be a deterrent and the other is for rehabilitation. Obviously, there is no rehabilitation after the death penalty but perhaps, society in general can be rehabilitated and this comes from, as the Bill correctly cites, it was modelled on the UK Army Act is cited there, and that Act comes from a particular history too.

In 1688, as part of the Constitution of England, which is non-written one, there was a revolution which they called it the Glorious Revolution. They got rid of the very authoritarian king and it became a requirement that every time the Government was to raise an army, the Government had to extend the legality of the standing army every five years. So Parliament had to endorse that. That constitutional requirement stemmed from what happened in the Glorious Revolution and through that period, many people died who tried to overthrow the Government and basically nobles were beheaded and commoners were quartered. There was a machine that went into their bowels and ripped them out while they were alive. That is how seriously the people over there took this issue and how it ended because other people who watched were scarred – “I will never ever in my dreams think of treason, because I don't want what happened to my grandfather to happen to me. He hung on a tree.”

Those were deterrence that happened there from that history. That constitutional requirement exists in England, and I thank the honourable Minister for what he said. I took particular note of his mentioning the 21st century, I wish we had the recent history of Australia and New Zealand, where they did not go through the last 30 years that we have been through. Of course they can have no death penalty and none of these deterrence. They have not had any of these.

As for the mention of the United Nations, Madam Speaker. I made brief reference to it the other day, and I wish to go over it again today, with a little bit more feeling. That body, that sponsors mercenaries around the world, sits idly as genocide happens around the world - useless institution. They should not be dictating to this sovereign State what we should do in our particular circumstances and historical matrix.

The last 30 years, Madam Speaker, the propensity to have *coups* is a high risk one. It is not something we can say that we have got rid of. If we are like Australia and New Zealand, of course, get rid of the death penalty, we do not want it. However, we have very different circumstances. The mutiny happened in 2000, that was disgraceful and disgusting act. I was here at Domain, at the home of the Deputy Prime Minister then, we never thought it could happen but officers from within the military would try and subvert their chain of command.

Disgusting, Madam Speaker, and we do not want to encourage that, and if we took away the death sentence, we would not be deterring younger officers from following the same course. That is why we want this, in this context, to remain – granted in Fiji. This deterrent has not worked well at all because the voters in this country have elected the *coup* maker in 1992, and very recently. So deterrent is, in that sense, has not been. But that is no excuse why we should remove it, we should deter the next one too. The person who attempted the *coup* in 2000 is serving in prison, rightly so, and the reason why he was not given a death penalty was the mercy shown by our predecessors in this Parliament, including Members of Parliament who were hostages in 2000. We should remember that.

HON. A. SAYED-KHAIYUM.- We call that the Mercy Commission.

HON. ROKO T.T.S. DRAUNIDALO.- And are endorsed by Parliament? Yes.

We must, Madam Speaker, keep this deterrence to warn the soldiers who are serving now, not the ones who are out and established by law, must have some reminder of what could meet them if they were to think, to even dream of doing another *coup*.

Madam Speaker, we need to be wise and look to the future, and in any case, after having said all these, and after having listened to my colleagues say what they have had to say about the RFMF and the honourable Minister, I just wish to refer, Madam Speaker, through you, the honourable and learned Attorney-General to a case, the Fiji Court of Appeal in 2005, *Mills-vs-State*, and in paragraph 13 of the case, if I may read it. It says, and I quote:

“It was agreed by Counsel that the hearing of his appeal for the UK Army Act in whatever may be its current form is incorporated by reference into the current law of Fiji...” (including our principal Act that we are amending) “...for Court Martials of officers and soldiers.”

This was the view of Mr. Justice Winter in the High Court in *Peni Naduaniwai and the Commander and the State*, and the Court of Appeal agreed with Mr. Justice Winters’ judgement and said, and I quote:

“The intention of the Fijian legislation was to enact a shorthand reference to the UK law so that any improvements by amendment in the UK law also became part of Fijian law as long as they were not inconsistent with Fijian law and our Constitution. The only restrictions on the wholesale, incorporation of the current UK provisions are:

- (14) The paramountcy of any provisions of the RFMF Act of the UK legislation under section 23(1) of the RFMF Act.”

In other words, Madam Speaker, I wish to refer this matter to the honourable and learned Attorney-General because he has a large chamber of lawyers, and perhaps, they could look into it.

HON. N. NAWAIKULA.- He doesn’t know.

HON. ROKO T.T.S. DRAUNIDALO.- Perhaps, Madam Speaker, what we are doing today has already occurred, that the abolishment of the death penalty in the UK automatically became an abolishment of the death penalty here, and perhaps, all that the honourable Attorney-General needed to do if that was the case, was go back to Geneva, and tell Geneva “the death penalty has been removed from our Act, because it was automatically incorporated when it was removed in the UK.”

HON. N. NAWAIKULA.- What a waste!

HON. ROKO T.T.S. DRAUNIDALO.- There was another issue, Madam Speaker. In 2006, the Armed Forces Act in the UK, and that constitutional requirement I referred to earlier, in 2011, it was renewed after five years, have a standing army. So, that Armed Forces Act incorporated the UK Army Act, and two other Acts which I do not have to hand. I just tried to scribble something before I came in here. I think it is related to the Act regulating the navy and some other part of the defence forces. That throws up another curved ball, as it were, but it is a matter for the honourable Attorney-General if he could check with his Chambers and see whether in fact that decision was overturned by the Supreme Court, or whether it still stands. If that is the case, Madam Speaker, then there was no need for us to go through all these. The honourable and learned Attorney-General could have just gone to Geneva and said to them that “it had got rid of the death penalty because it has been removed there, automatically incorporated in our Act.”

As I say, Madam Speaker, it is something for the honourable Attorney-General to check since he is the Chief Legal Advisor. Thank you, Madam Speaker.

HON. BRIG. GEN (RETD) J.K. KONROTE.- Madam Speaker, honourable Prime Minister, honourable Members of Parliament, ladies and gentlemen, I rise before this august Parliament this afternoon to confirm my support for this Bill, to amend the RFMF Act, Cap. 81.

Madam Speaker, this is indeed a very important Bill because it deals with life and death, and I am speaking in my capacity as a former soldier, and a senior military commander who was entrusted with the responsibility of administering Military Law, both here at home and in the Middle East, in the fields of operations where our servicemen and women have been deployed as peacekeepers under active service conditions.

Madam Speaker, serving within the ranks of the Republic of the Fiji Military Forces is an honour and privilege, and as a Commissioned Officer, one must always be cognisant of the fact that unlike the rest of our fellow Fijians, a member of the RFMF is always bound by two sets of laws; Civil Law and Military Law, until one is discharged and posted to the Reserve.

Madam Speaker, in his address to this august Parliament yesterday, the honourable Natuva, Minister for Defence, National Security and Immigration referred to Fiji as a super power when it comes to peacekeeping or peace support operations, and this unique, honourable and special status within the global community, have been achieved and obtained at great costs to our beloved nation. Many of our sons had paid the supreme sacrifice, and Fiji is the poorer with their passing.

Madam Speaker, the honourable Draunidalo said that we should all be obsessed with the RFMF. For those of us who have done time, who have served loyally and well, of course, we are obsessed with pride and satisfaction that we have served our country well.

Madam Speaker, our servicemen and women, members of the RFMF have all sworn an Oath of Allegiance to primarily safeguard the integrity of our sovereignty, and to protect the lives and wellbeing of all Fijians. Similarly, when deployed on peacekeeping or peace support operations, our servicemen and women serve under active service conditions because of the inherent dangers of operating in highly volatile and extremely dangerous environments. Under such circumstances, Madam Speaker, the Rule of Engagements are changed to suit the mandate of that particular mission, but the principal responsibility and obligation expected of our personnel remain unchanged. They are there to assist the host nation, maintain and keep the peace, but more importantly to save lives.

Madam Speaker, as soldiers or sailors within the ranks of the RFMF, our servicemen and women are in the business of guaranteeing the preservation of life. Therefore, Madam Speaker, the present RFMF Act (Cap. 81) which provides for the applicability of the UK Army Act of 1955 to Fiji which allows a death sentence to be passed on a soldier under Court Martial must be amended to conform and be in accordance with Section 8 of our Constitution, which reads, and I quote:

“Every person has the right to life, and a person must not be arbitrarily deprived of life”.

Madam Speaker, as a former Senior Military Commander, I have participated in a number of Military Court Martials as a prosecutor, defence counsel, a senior military authority, a President here and in the Middle-East, where our troops were deployed, and I am so thankful and relieved that at no stage were we compelled to invoke the relevant sections of the Military law, both the RFMF Act and the UK Army Act 1955, applicable to the enforcement of the death penalty. The British Government has seen it fit to rid of this provision in the Army Act. So, I believe it is only prudent for the RFMF Act be amended as proposed by the honourable Minister for Defence, Immigration and Security.

Madam Speaker, I concur and support the initiative of this Government to amend the RFMF Act accordingly.

HON. V.R. GAVOKA.- Madam Speaker, I rise to contribute to the debate on this Bill before us today. I just wonder, Madam Speaker, if we could be given a bit more latitude on this issue because the military is so important and critical to us. I believe it is the first time that this issue has come up after years. We particularly love our men in uniform. All over this country, we admire them, we look up to them, they are our sons and daughters, and we want them to be part of us. However, Madam Speaker, of late, there has been a chasm between them and us. That is why I spoke yesterday and asked the honourable Minister for Defence if he could launch a PR campaign to bring the two together. Our leader, during the campaign has suggested that we should reconcile, we should become one.

At the outset, (I should have said this earlier on), I am against death penalty. You may wish to know, Madam Speaker, that we are voting on conscience in SODELPA. There is no rule that we should vote on party line, but rather on conscience. However, it is an opportunity to observe and see where we are about our military. When you think about it, this is a unit, a body that the people of the country empower and give them realms, the power to do virtually anything they want and this is a power that really needs to be controlled. I think they are doing a wonderful job. They are professional soldiers like the Brigadier-General Konrote, but there is a danger of all this power falling into the wrong hands and harming the people of this country. I believe that the people of this country will regain that confidence, admiration and all that love they had military if they see that reconciliation is happening, things are done professionally, that they have the confidence in their military.

Madam Speaker, when you have someone from the military who served in a Cabinet, and contested in Election and lost and all of a sudden, he becomes the Chief of Staff, that is giving the wrong signal to our people. It is telling them

HON. OPPOSITION MEMBERS.- Hear, hear!

HON. LT. COL. P. TIKODUADUA.- Point of order. Madam Speaker, consistent to your ruling on speakers on the other side, I think the honourable Member is going off the rails again.

MADAM SPEAKER.- Thank you for bringing that point of order. I was just going to comment on that. Please focus on the subject matter.

HON. V.R. GAVOKA.- Madam Speaker, it is a matter of gravity. Life and death are about the most powerful organisations in this country. I was asking for more latitude on this, Madam Speaker.

Only one issue, Madam Speaker, is for the military to be loved by the people. Right now they are not. They may disagree with me, but it is true, we were part of it, and that is why our leaders said "let us reconcile."

MADAM SPEAKER.- You are stating an opinion, honourable Member, please be factual.

HON. V.R. GAVOKA.- Let us make our military professional, bring back the professionalism that used to be there. There are fine officers, but it is a matter of redirecting that discipline that we used to have in the past, gain the confidence of everyone and we can all be assured and feel confident that we are part of a new dawn, like our people across the isles have promises. Madam Speaker, there is no need for this death penalty. I, for one would like to see a deterrent, consistent with my colleague over

there, maybe add another million dollars to it. Madam Speaker, what is important, integral to this is for our military to regain the confidence and the love of the people - people on the streets in this country.

HON. J. USAMATE.- Madam Speaker, I rise to give my support to the RFMF (Amendment) Bill, 2015. I think the discussions in the Chamber this afternoon has been very interesting. I think fundamentally this amendment Bill is about a number of things. First, it is about where we place the importance of life itself or how important is life to us. That is why we have been talking so far about the right to life. Life is something that no one has the right to take away. We cannot give life, so we cannot take it away. No one who has been created has the right to take away life of someone else, and that is the fundamental part of this particular amendment Bill that we are talking about. We should not take it and our Constitution recognises this.

The other reason why I fully support this Bill is because the Bill is almost moot, because the Constitution says that you cannot take away a life, so anything else that talks about taking away a life should be removed because it is part of the Constitution - the Constitution that all of us in this Parliament have sworn to uphold ...

HON. GOVT MEMBERS.- Yes.

HON. J. USAMATE.- ...every single one of us.

During discussions that we have had so far, I heard comments that said “It is your Constitution”, but every single one of us has sworn to uphold this Constitution. This is the Constitution of our country, we are sworn to uphold it and I remind honourable Members of that. We all laid our hands on the Holy Books that we revere and we swore to uphold this Constitution. So do not forget that.

The Constitution in which this right to life is contained sets the base for the new Fiji that the esteemed Member has already talked about. That new Fiji that we want to create is already embedded in the things that we have in this Constitution.

There has been a lot of discussions this afternoon, Madam Speaker, about the fact that the military has been causing *coups*. I think that is a very short-sighted myopic view of what has happened in this country. It is not the military. The military has been a tool that is being used by others to achieve their own ends.

HON. MEMBERS.- Hear, hear!

HON. J. USAMATE.- And the reason that we have had this disunity ...

(Chorus of interjections)

MADAM SPEAKER.- Order!

HON. J. USAMATE.- ... goes back to our history.

HON. DR. B.C. PRASAD.- It's coming out.

HON. J. USAMATE.- Our history is such that we have been raised as separate groups of people. The British gods blessed their souls. They decided to rule us in separate groups: “One group – you stay in the village, this group you stay in that part.” That mentality of separateness, of driving us apart and the continuous perpetuation of this idea, ultimately those are the things that led to the military *coups*. The Constitution that we have been talking about, and the things that we have tried to put in the

Constitution sets the basis and the grounds for building a new society that is based on oneness, where everyone in Fiji can see themselves as part of one country, and when we can develop that idea in this country, we will then build the basis to have no more *coups*. That is why I applaud the vision of the leader of the FijiFirst Party and all ...

HON. GOVT MEMBERS.- Hear, hear!

HON. J. USAMATE.- ... who have put in the things that you have in this Constitution.

Madam Speaker, over the past few days, we have also had some talk about history. We talked about the Cross of St. George and the Cross of St. Andrew. I would like to say that what we need to do in this country is to focus on our own history. In this country, our St. George and our St. Andrew are names like Varani, Bulu, Mateinaniu and Naucukidi. We need to look at history, and let us not be naïve by reading the history that is presented by an old Colonial power as what their perception is of history and the way they see it. We need to see our own history and what is true for ourselves. That is why I believe that the Constitution and the rights that it contains is painting a picture of a new Fiji that we must strive for.

The symbols that we have in our old flag is talking about the old Fiji. We need to talk about the things that will make this country strong. Fiji's future is in looking forward, not looking backward because if you keep using the rear vision mirror, you will have an accident.

(Chorus of interjections)

So with those few words, Madam Speaker, I support the Bill before Parliament.

HON. DR. B.C. PRASAD.- Madam Speaker, as already stated by honourable Draunidalo, the National Federation Party does not support death penalty. In fact, we are always of the view that the death penalty was never there and I think what honourable Draunidalo has said with respect to the Appeals Court Case between Mills and State, she has asked the Attorney General to go and check whether this was necessary at all, according to what she said that there was no need, there is no death penalty in Fiji.

(Laughter)

So we do not support death penalty but what we are saying is, perhaps you should go and check if there was a need for this kind of Bill anyway. He should have done more research before coming up with this Bill.

HON. S. KARAVAKI.- He doesn't know

MADAM SPEAKER.- Honourable Member, please address the Speaker and not the other Members.

HON. DR. B.C. PRASAD.- I do, Madam Speaker. I always address you.

But let me just add to what the learned Attorney General said with respect to this amendment and the need to comply with the requirements of the UN Universal Periodic Review on Human Rights. I would ask him, in addition to what he is doing with respect to the RFMF Act, he should once again look at all the other draconian decrees and some of them have been highlighted by the UN Periodic Review.

I want to make this call again to the Government side, like the Opposition side agree for a conscience vote, I hope that someday they will have a conscience vote on the other side too on some matters.

Let me say this to the Prime Minister. It is very important for us as a country

MADAM SPEAKER.- Honourable Member, you can say it to me.

HON. DR. B.C. PRASAD.- Madam Speaker, through you, I want to say to the Prime Minister...

(Laughter)

... that it is important for us to think seriously. It is not a laughing matter, Madam Speaker. We need to talk about the review of the Constitution. We respect the Constitution, we respect the rule of law. That is not a question. This country changed the Constitution. The 1990 Constitution was changed through dialogue and discussion and there are provisions in the current Constitution that needs to be changed and

HON. DR. M. REDDY.- Such drama!

HON. DR. B.C. PRASAD.- ...you have created such a drama in the Ministry of Education honourable Minister. You need to check on that.

(Laughter)

Madam Speaker, he is going to make a mess of that, he has already made a mess.

HON. V. NATH.- You supported him.

HON. DR. B.C. PRASAD.-I supported his intention Madam Speaker, but he made a mess.

(Chorus of interjections)

HON. A. SAYED-KHAIYUM.- Subject matter.

HON. DR. B.C. PRASAD.- Madam Speaker, let me get back to the subject. This is a very important amendment. If there is a need as honourable Draunidalo said, we wholeheartedly support the amendment but the Government needs to understand that there is more to this, more to changing the Decrees that have been pointed out very clearly by various international organisations, and if we did not have the Media Decree, for example, if we did not have the Essential National Industries (Employment) Decree - these are all affecting human rights.

HON. RATU N.T. LALABALAVU.- Hear hear!

HON. DR. B.C. PRASAD.- The rights of people to live with dignity and respect. That is what I want through you Madam Speaker, once again ask the Prime Minister to take leadership on this and again convene a bipartisan committee to review all the draconian Decrees so that we can bring it in line with international standards. So that as a country we have some respect in the world of communities...

HON. ROKO T.T.S. DRAUNIDALO.- In the 21st century, Madam Speaker. Having said that, once again I want to say that the National Federation Party does not support death penalty.

HON. LT. COL. N. RIKA.- Madam Speaker, I rise in support of Bill No. 2 of 2015 for an Act to amend the Republic of Fiji Military Forces Act (Cap. 81). The RFMF Act (Cap. 81) adopts the British Army Act 1955 and successive legislation. The death penalty is referred to in Section 38.

Madam Speaker, this move is the way forward for Fiji after a very long, long time. Now the Government of the day sees it appropriate to do something about this Act and to make a stand on this crucial matter for the benefit of the people of this nation now and in the future.

Madam Speaker, to a large extent the RFMF has and is doing marvellously well in carrying out its role in the international peace keeping arena and that has put Fiji in the world map. In many ways and at different levels the RFMF has been an excellent ambassador to the world at large. This achievement come with a lot of sacrifice to the institution itself as well as to the soldiers and their respective families. The positive outweighs all the negatives and only the soldiers and their families know too well. It is indeed a life of sacrifice and service for human kind.

Madam Speaker, having spent most of my career at the RFMF in different capacities here and abroad, I am in full support of this amendment to the RFMF Act (Cap. 81). Section 8 Chapter 2 of the 2013 Constitution stipulates and I quote: “Every person has the right to life and a person must not be arbitrarily deprived of life”.

Madam Speaker, death penalty is also referred to as capital punishment. It is a term used for describing the act of depriving of a person of life or putting him to death either to ensure that he cannot commit crime in the future or as retribution act of the legal system judgement.

Madam Speaker, let me share to this august House the results of the British Army Court Martial during World War I. Between 1914 and 31st March, 1920 just over 3,000 men were sentenced to death in the British Army Court Martial. Offences include desertion were the most common one, cowardice, murder, espionage, mutiny and striking a superior officer.

Madam Speaker, obviously people will have their own views on the Bill and their justifications but we need to have a positive outlook on the issue because of the future of our people. It is essential for this august Chamber to view this amendment as a way forward for the nation.

Some of the experts in this area of incarceration and sociologist believe that life imprisonment is a more effective punishment to control crimes as compared to death penalty. Madam Speaker, many countries of the world have abolished death penalty from their laws. In Great Britain, death penalty was abolished in all circumstances in 1998. In Australia the death penalty was abolished in 1985, in New Zealand, death penalty was abolished in 1989.

Madam Speaker, the amendment of death penalty in the RFMF Act is long overdue. In view of all that has been stated together with my belief, I fully support the motion that is before us.

HON. A. SAYED-KHAIYUM. – Thank you Madam Speaker. Madam Speaker, whilst this is a very simple amendment that requires amendments to two sections within the RFMF Act and one complete deletion of Section 38, a number of issues have been raised by the other side Madam Speaker, which I feel, only appropriate that needs to be addressed.

I will start off by the Constitution, Madam Speaker. Madam Speaker the issue has been raised about whether anybody going against the Constitution what would be the consequences and there has been no, there is no proper redress under it. I refer the Members to Section 2 of the Constitution which talks about Supremacy of the Constitution, it also talks about subsection:

“...(5) This Constitution cannot be abrogated or suspended by any person, it may only be amended through a referendum.

Any attempt to establish a Government other than in compliance with this Constitution shall be unlawful, and-

anything further, done to further that attempt is invalid and of no force or effect...”

That is the provision of the Constitution. So that matter can be put to rest - the concerns raised by Members of Parliament.

The other key important issue that I would like to raise, Madam Speaker, there has been a reference made to the case law regarding Mills, saying in that case the court had held, that therefore the 1955 Act was not applicable and therefore the death penalty.

Madam Speaker, the problem with common law interpreting an existing statute is that, it is open to interpretation. There's a case in 2008, I stand to be corrected on the year, but Qicatabua. Qicatabua - the Court of Appeal also held that any amendment to the law should be made by Parliament and not by Courts. So if you have an existing statute provision, and I'm sure the Honourable Nawaikula would agree with me, that if you have an existing statute provision and if there is going to be any interpretation by that, and if it is substantive in nature, then obviously Parliament is the only authorised body to put into effect that change and in fact, Justice Honourable Byrnes recognised that fact, in Qicatabua is precisely what he said.

So this is precisely the reason why we are here in this august House to carry out that amendment, because as has been seen from the other side, Madam Speaker, we have some of them supporting it, some of them saying it should be within the RFMF Act, some of them saying “well, it's not there because the court ruled”, so there is ambiguity and this is precisely the reason why we are bringing about this amendment, this is very logical. so the issue before the House is whether we support the death penalty or not?

What we are saying, Madam Speaker, given Section 8 of the Constitution, we are saying we do not support the death penalty and that is the international trend, Madam Speaker. I suggest the Opposition get better legal advice.

The point is, Madam Speaker, the other issue is, the other issue Madam Speaker is, the other issue Madam Speaker is-This has been raised as an issue. They talked about George Speight and the Mercy Commission went to Parliament. Mercy Commission does not go to Parliament, Madam Speaker and I'll tell you what happened in George Speight's instance. He was given a death sentence, but it was commuted to a life sentence through the Mercy Commission.

The Mercy Commission is an independent body that has the Attorney General and other members in it and they make a recommendation to His Excellency the President. And that was commuted to a life sentence. Immediately after that, Madam Speaker, or during that period in 2002, the SDL Government then amended the Penal Code then and removed, removed the death sentence from the Penal Code. These are the events that took place. Mercy Commission does not come to Parliament, again you need to get good legal advice.

Now, Madam Speaker, Madam Speaker ... Madam Speaker ... Madam Speaker the- I know there's been quite a lot of issues, there is obviously a obsession as has been admitted by the other side

with the RFMF. Madam Speaker I wish they were obsessed with other institutions too, because the other institutions also get tax payers funds, but they don't seem to be obsessed with that. Perhaps it is a fetish, perhaps it's a fedt hat will disappear soon.

The point is, Madam Speaker, we are here to remove the death penalty, it is very simple. International trend has been that we remove death penalties. The UN itself, Madam Speaker, the Secretary General Ban Ki-Moon is in fact advocating for that and I know many of the Members on the other side refer to the *coup* 2006, but many of them very conveniently forget the 87 and 2000. I understand some of them were walking around in military uniforms in 2000 ,on the other side

Madam Speaker, the reality is, that if we are going to discuss, if we are going to have an objective discussion of these issues, we need to be factually correct, we need to be factually correct, we need to be holistic in our approach. So Madam Speaker, the entire issue is very very simple, we are here to ensure that we comply with Section 8 of the Constitution, we are here to ensure that we comply with the International Standards and we also Madam Speaker, the point that I would like to make that this particular section puts it beyond doubt, this Bill is being brought about- the FijiFirst Government, the Government that was voted by 60 per cent of the people...

HON. GOVT. MEMBERS. – Hear, hear!

HON. A. SAYED-KHAIYUM. – ... 60 per cent of the people who actually believe in the policies and we are fulfilling that agenda of the Fijian people. Thank you Madam Speaker

MADAM SPEAKER. – Does any Member oppose that the Republic of the Fiji Military Forces (Amendment) Bill 2015 read by Parliament and do pass?

HON. ROKO T.T.S. DRAUNIDALO. – Permission to abstain?

MADAM SPEAKER. – As no more Member opposes.

HON. OPPOSITION MEMBERS. – Oppose!

MADAM SPEAKER. – Thank you. Since we have an opposition, we will put the Bill to the vote.

Question put.

<u>Votes Cast</u>		
Ayes	-	29
Noes	-	1
Abstain	-	9
Not Voted	-	11

Motion agreed to.

Bill reported without amendment, read a third time and passed. (Act No. of 2015)

HON. A. SAYED-KHAIYUM.- Madam Speaker, Could I just, I want to make a clarification before we finish

MADAM SPEAKER -Thank you, I will give you the floor

HON. A. SAYED-KHAIYUM.- Madam Speaker This is just to help the House

As you know that we have the Companies Bill that's been referred to the Committee. We wanted to make an offer to all the members of this House given the fact that we have nearly over a 400 page Bill. ..for everybody and they need to understand the consultants who were engaged to draft the Bill – we want to make them available to everybody so we intending to have a session for all the Members of Parliament and we want to make that offer to them to everybody in this House so they can take them clause by clause so apart from the fact that the Committee will got through it, if the Members of Parliament are interested we will be writing to you Madam Speaker and the Secretary-General to arrange a date and we hope to hear from people soon, so we can have this free and much needed information session on the Companies Bill

. Thank you Madam Speaker.

MADAM SPEAKER.- Thank you very much. We will keep everyone abreast on that issue.

Honourable Members, that brings us to the end of another day. I thank you all for the robust and vibrant debates that we have had today, and I believe that we can continue to develop this area, in order to ensure that we, the lawmaking body, effectively scrutinise legislations. I thank you all for today.

The Parliament is now adjourned until 9.30 tomorrow morning.

The Parliament adjourned at 5.28 p.m.